By Mr. REILLY: Petition of citizens of Connecticut, in favor of the Berger old-age pension bill; to the Committee on Pensions.

Also, petitions of the Drake Hardware Co., of Burlington, Iowa; of the Sickels, Preston & Nutting Co., of Davenport, Iowa; of the Luthe Hardware Co., of Des Moines, Iowa; of the E. L. Wilson Hardware Co., of Beaumont, Tex.; and of the Emery-Waterhouse Co., of Portland, Me., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the Michigan Retail Hardware Association, against extension of parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Anna P. Bradley, treasurer of the New Haven Branch of the Connecticut Indian Association, indorsing House bills 16802 and 18244; to the Committee on Indian Affairs.

Also, petition of Charles W. Bevin, of East Hampton, Conn., remonstrating against the repeal of the anticanteen law; to the Committee on Military Affairs.

By Mr. SCULLY: Petitions of the Woman's Christian Temperance Unions and churches of the State of New Jersey, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of New Market, N. J., for passage of Berger old-age pension bill; to the Committee on Pensions.

Also, petition of John A. Ingham, of New Brunswick, N. J., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. J. M. C. SMITH: Petitions of residents of Quincy, Brighton, and Fulton, Mich., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of the Methodist Episcopal Church of Waldron, the Methodist Episcopal Church of Lickley Corners, the Methodist Episcopal Church of South Pittsford, the Masonic Lodge of Waldron, the Woman's Christian Temperance Union and Pythian Sisters of Waldron, the Woman's Literary Society of Waldron, and the Waldron and East Wright Wesley Methodist Churches, for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of citizens of Albion and Kalamazoo, Mich., for passage of Berger old-age pension bill; to the Committee on Pensions.

Also, petitions of the Edwards & Chamberlain Hardware Co., of Kalamazoo, Mich.; of S. F. R. Kedseie and B. A. Bowditch, of Pittsford, Mich.; of Larkin Co., Buffalo, N. Y.; and of American League of Associations protesting against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of New York: Petition of citizens of New York, against extension of parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Texas: Petitions of citizens of Miles, Tex., for constitutional amendment prohibiting manufacture and sale of intoxicants as a beverage, etc.; to the Committee on the Judiciary.

By Mr. SULZER: Petition of Cigar Makers' Joint Unions of Greater New York, for exemption from taxation of cigars supplied employees by the manufacturers thereof; to the Committee on Ways and Means.

Also, petition of Manhattan Camp, No. 1, Department of New York, United Spanish War Veterans, for passage of House bill 17470; to the Committee on Pensions.

Also, petitions of D. W. Tallman, of Buffalo, N. Y., and Bottlers and Manufacturers' Association of New York, for reduction in duties on sugar; to the Committee on Ways and Means.

Also, resolution of the Fancy Leather Goods Manufacturers' Association of New York, indorsing House bill 5601; to the Committee on Interstate and Foreign Commerce.

Also, petition of "Cammeyer," of New York, N. Y., protesting against passage of House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, petition of Union No. 23, International Printing Pressmen's and Assistants' Union of North America, for increased compensation to pressmen and assistants employed in the Government Printing Office; to the Committee on Printing.

Also, petitions of Detroit (Mich.) Board of Commerce and the Business Men's Club of Cincinnati, Ohio, relative to proposed international congress of chambers of commerce to be held in Boston, Mass.; to the Committee on Foreign Affairs.

By Mr. TALCOTT of New York: Petition of the First Methodist Episcopal Church of Ilion, N. Y., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. TILSON: Petition of the Central Labor Union of Meriden, Conn., favoring the passage of House bill 5970, restoring to civil-service employees the right to petition Congress; to the Committee on Reform in the Civil Service.

By Mr. TOWNER: Petition of Miner Chase and other citizens of Allerton, Iowa, against parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of C. S. Stryker and other citizens of Creston, Iowa, favoring the passage of House bill 16214; to the Committee on the Judiciary.

By Mr. UNDERHILL: Petition of the Maryland Association of Certified Public Accountants, protesting against employment by the United States Government of chartered accountants to exclusion of certified public accountants; to the Committee on Expenditures in the Navy Department.

Also, petition of citizens of Pennsylvania and New York, protesting against passage of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of the Woman's Christian Temperance Unions of Horseheads and Waterloo, N. Y., in favor of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Switchmen's Union, No. 144, for passage of House bill 13911; to the Committee on Interstate and Foreign Commerce.

By Mr. UTTER: Petition of certain masters, pilots, and owners of vessels for the establishment of a lightship near Block Island, R. I.; to the Committee on Interstate and Foreign Commerce.

Also, petition of J. L. Weiser and 12 other citizens of Providence, R. I., favoring the construction of one battleship in a Government Navy Yard; to the Committee on Naval Affairs.

Also, petition of Rhode Island Independence Chapter, Daughters of the American Revolution, favoring House bill 19641, to provide for the publication of certain Revolutionary records; to the Committee on Appropriations.

SENATE.

TUESDAY, *March 5, 1912.*

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

REPORT OF DISTRICT EXCISE BOARD (H. DOC. NO. 594).

The VICE PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, pursuant to law, the report of the operations of the excise board of the District of Columbia for the license year ended October 31, 1911, which, with the accompanying paper, was referred to the Committee on the District of Columbia and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills:

S. 4521. An act to authorize the change of the name of the steamer *William A. Hawgood;* and

S. 4728. An act to authorize the change of name of the steamer *Salt Lake City.*

The message also announced that the House had passed the following bills, with amendments, in which it requested the concurrence of the Senate:

S. 339. An act providing for the reappraisement and sale of certain lands in the town site of Port Angeles, Wash., and for other purposes;

S. 3211. An act authorizing that commission of ensign be given midshipmen upon graduation from the Naval Academy; and

S. 4151. An act to authorize the Minnesota & International Railway Co. to construct a bridge across the Mississippi River at or near Bemidji, in the State of Minnesota.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 5601. An act to limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured by convict labor or in any prison or reformatory;

H. R. 14083. An act to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes;

H. R. 16306. An act to provide for the use of the American National Red Cross in aid of the land and naval forces in time of actual or threatened war;

H. R. 16612. An act authorizing and directing the Secretary of the Interior to convey a certain lot in the city of Alva, Okla.;

H. R. 16661. An act to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands held under claim or color of title by individuals or private ownership or municipal ownership situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians under and by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians on March 24, 1832;

H. R. 17032. An act authorizing the Secretary of the Interior to grant further extension of time within which to make proof on desert-land entries in the counties of Modoc and Lassen, Cal.;

H. R. 17239. An act to authorize Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River;

H. R. 19638. An act to authorize San Antonio, Rockport & Mexican Railway Co. to construct a bridge across the Morris & Cummings Channel;

H. R. 19863. An act authorizing the Secretary of the Interior to subdivide and extend the deferred payments of settlers in the Kiowa-Comanche and Apache ceded lands in Oklahoma;

H. R. 20048. An act declaring that all citizens of Porto Rico and certain natives permanently residing in said island shall be citizens of the United States; and

H. R. 20117. An act to authorize the Nebraska-Iowa Interstate Bridge Co. to construct a bridge across the Missouri River near Bellevue, Nebr.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 2453. An act for the relief of Benjamin F. Martz, and for other purposes; and

H. R. 13570. An act to amend an act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May 30, 1908.

COMMISSION OF ENSIGN.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3211) authorizing that commission of ensign be given midshipmen upon graduation from the Naval Academy, which was, on page 2, line 4, after the word "Act," to strike out all down to and including line 10.

Mr. LODGE. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of sundry citizens of Laclede, Mo., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented petitions of Cigar Makers' Local Union No. 460, of San Juan; the joint advisory board of the Cigar Makers' Local Unions of Porto Rico; Journeymen Tailors' Local Union No. 189, of Arecibo; Carpenters and Joiners' Local Union No. 1304, of San Juan; and of Carpenters and Joiners' Local Union No. 1450, of San Juan, all in the Territory of Porto Rico, praying for the creation of a department of labor and agriculture in that Territory, which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented petitions of Carpenters and Joiners' Local Union No. 145, of San Juan; Cigar Makers' Local Union No. 460, of San Juan; the joint advisory board of Cigar Makers' Local Unions of Porto Rico; Carpenters and Joiners' Local Union No. 1389, of Santurce; and of Carpenters and Joiners' Local Union No. 13, of Puerta de Tierre, San Juan, all in the Territory of Porto Rico, praying for the enactment of legislation giving citizens of Porto Rico the right to be citizens of the United States, which were referred to the Committee on Pacific Islands and Porto Rico.

Mr. CULLOM presented memorials of sundry citizens of New Jersey, Connecticut, New York, Minnesota, and Massachusetts, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of the Board of Trade of Kansas City, Mo., praying that an appropriation of $50,000 be made to defray the expense of entertaining foreign delegates to the Fifth International Congress of Chambers of Commerce, which was referred to the Committee on Appropriations.

He also presented memorials of sundry citizens of Freeport and Quincy, in the State of Illinois, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Belleville, Ill., praying for the enactment of legislation to provide for the construction of one of the proposed new battleships at a Government navy yard, which was referred to the Committee on Naval Affairs.

Mr. GALLINGER presented petitions of the congregation of the Free Baptist Church of Ashland and of sundry citizens of Ashland, in the State of New Hampshire, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of members of the National Capital Dental Society, of the District of Columbia, praying for the enactment of legislation to regulate the practice of pharmacy and sale of poisons in the District of Columbia, which was ordered to lie on the table.

Mr. WETMORE presented a memorial of members of the Irish-American Club, of Pawtucket, R. I., and a memorial of sundry citizens of Blackstone Valley, R. I., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented resolutions adopted at a mass meeting of citizens of River Point, R. I., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, and also against the ratification of any future treaties involving the Monroe doctrine, etc., which were ordered to lie on the table.

Mr. SMITH of Michigan presented a memorial of members of the Commercial Association of Pontiac, Mich., remonstrating against any political interference in the impending coal strike, which was referred to the Committee on Education and Labor.

Mr. OVERMAN presented a petition of the congregation of the Methodist Episcopal Church of Newton Grove, N. C., and a petition of the congregation of the Methodist Episcopal Church of Wesley Chapel, N. C., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. SMITH of Maryland presented petitions of the congregations of the Methodist Episcopal Church and the Bates Memorial Methodist Protestant Church and of the Woman's Christian Temperance Union, of Snow Hill, and a petition of sundry citizens of Sherwood and Baltimore County, all in the State of Maryland, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, and remonstrating against the repeal of the anticanteen law, which were referred to the Committee on the Judiciary.

Mr. WATSON presented petitions of sundry citizens of Clarksburg, Salem, Wilsonburg, Everson, Weston, Moundsville, New Cumberland, Bristol, Lowman, Parkersburg, Cameron, Hundred, Littleton, Wellsburg, and Fairmont, all in the State of West Virginia, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. CULBERSON presented a memorial of sundry citizens of Waxahachie, Tex., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. WARREN presented a memorial of sundry citizens of Casper, Wyo., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of South Carolina presented petitions of sundry citizens of Little Rock, Prosperity, Denmark, Springfield, Conway, St. George, Edgefield, Florence, Newberry, Pelion, Congaree, Manning, Summerville, Branchville, Pinewood, New Brookland, Lancaster, and Horrell, all in the State of South Carolina, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Edisto Island and Beaufort, in the State of South Carolina, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of members of the National German-American Alliance, of Charleston, S. C., remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Columbia, Florence, Sumter, and Dillon, all in the State of South Carolina, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. GARDNER presented petitions of North Scarboro Grange, Patrons of Husbandry; of the Woman's Christian Temperance Union of Greenville; of members of the Thursday Club, of Biddeford; and of sundry citizens of Corinth, all in the State of Maine, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented petitions of the congregations of the Methodist Episcopal Churches of Woolwich and Dresden Mills; the Methodist Churches of Old Orchard and New Harbor; of members of the Sunday school of the Methodist Church of Old Orchard; of the Woman's Christian Temperance Union of Camden; and of Local Grange, Patrons of Husbandry, of Turner, all in the State of Maine, praying for the enactment of legislation to prevent the nullification of State liquor laws by outside liquor dealers, which were referred to the Committee on the Judiciary.

Mr. GRONNA presented a memorial of the North Dakota Retail Hardware Association, in convention at Fargo, N. Dak., and a memorial of sundry northwestern merchants, in convention at Duluth, Minn., remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of New Salem, Dickinson, Medina, Fargo, La Moure, Bismark, Driscoll, Upham, and Jamestown, all in the State of North Dakota, remonstrating against the repeal of the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

Mr. McLEAN presented a petition of Washington Camp, No. 9, Patriotic Order Sons of America, of New Britain, Conn., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented memorials of sundry citizens of Bridgeport and Naugatuck, in the State of Connecticut, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented memorials of the Woman's Christian Temperance Union of Thomaston, Conn., remonstrating against the repeal of the anticanteen law, which were referred to the Committee on Military Affairs.

He also presented petitions of Local Division No. 45, Sons of Temperance, of South Manchester; of the Young People's Christian Endeavor Society of the South Congregational Church, of New Britain; and of William I. Hambridge, of Danbury, all in the State of Connecticut, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside liquor dealers, which were referred to the Committee on the Judiciary.

Mr. RAYNER presented petitions of the congregations of the Methodist Episcopal Church of Wye Mills, and of the Seventh-day Adventist Church of Takoma Park, of the Permanent Board of Baltimore Yearly Meeting of Friends, and of the Woman's Christian Temperance Union of Cumberland, all in the State of Maryland, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of the Organization of Associated Blind Women of Maryland, of Baltimore, Md., and the petition of Edwin B. Niver, rector of Christ Church, Baltimore, Md., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. LODGE presented petitions of sundry citizens of Gardner, Mass., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. PAGE presented petitions of sundry citizens of Johnson and Roxbury, in the State of Vermont, praying for a reduction of the duty on raw and refined sugars, which were referred to the Committee on Finance.

Mr. BRIGGS presented memorials of sundry citizens of Passaic, Dover, and Newark, all in the State of New Jersey, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of Printing Pressmen's Union No. 31, of Newark, N. J., praying for the enactment of legislation to increase the rate of compensation for pressmen employed at the Government Printing Office, which was ordered to lie on the table.

Mr. CLAPP presented a petition of the Trades and Labor Assembly of St. Paul, Minn., praying for the enactment of legislation restoring to certain Government employees their inherent rights as American citizens, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of the Town Council of Lindstrom, Minn., praying for the enactment of legislation providing for the reconstruction of the old Nevers Dam in the counties of Chisago and Polk, in that State, which was referred to the Committee on Commerce.

Mr. ROOT presented petitions of sundry citizens of Worcester, Glen Falls, and Ludlowville, all in the State of New York, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside liquor dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Gouverneur and Rock Valley, in the State of New York, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the Rajah Auto-Supply Co., of Bloomfield; the Diamond Expansion Bolt Co., of Garwood; and of sundry citizens of Jersey City, Newark, Paterson, Trenton, and Plainfield, all in the State of New Jersey, and of sundry citizens of Easton, Pa., and Frederick, Md., praying for the adoption of a 1-cent letter postage, which were referred to the Committee on Post Offices and Post Roads.

Mr. OLIVER presented memorials of sundry citizens of Wilkes-Barre, Philadelphia, and Pittsburgh, all in the State of Pennsylvania, remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented petitions of the congregation of the Methodist Episcopal Church of Alverton and of the Woman's Christian Temperance Unions of Sheridan and Ambridge, all in the State of Pennsylvania, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Grange No. 91, Patrons of Husbandry, of Russellville, Pa., and a petition of Local Grange No. 6, Patrons of Husbandry, of Huntingdon, Pa., praying for the adoption of certain amendments to the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Colonel John W. Patterson Post, No. 151, Department of Pennsylvania, Grand Army of the Republic, of Pittsburgh, Pa., and a memorial of Brandywine Post, No. 54, Department of Pennsylvania, Grand Army of the Republic, of Coatesville, Pa., remonstrating against the proposed abolishment of United States pension agencies and their concentration in Washington, D. C., which were referred to the Committee on Pensions.

Mr. PENROSE presented a memorial of Brandywine Post, No. 54, Department of Pennsylvania, Grand Army of the Republic, of Coatesville, Pa., and a memorial of the Allegheny County Grand Army Association, of Pennsylvania, remonstrating against the abolishment of the United States pension agencies and their concentration in Washington, D. C., which were referred to the Committee on Pensions.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MYERS:

A bill (S. 5653) to amend section 2301 of the Revised Statutes of the United States relating to homesteads; to the Committee on Public Lands.

A bill (S. 5654) to provide for referring, for adjudication, to the Court of Claims certain claims of the Assinaboine Tribe of Indians, in the State of Montana, against the United States, for the recovery of certain moneys for the value of certain lands and certain annuities, provisions, and supplies, and to clothe the Court of Claims with jurisdiction to hear and determine a suit or suits by said tribe of Indians therefor; to the Committee on Claims.

By Mr. SMITH of Maryland:

A bill (S. 5655) granting a pension to Mary Meade Sands; to the Committee on Pensions.

By Mr. CULBERSON:

A bill (S. 5656) granting an increase of pension to Marcellus Moore (with accompanying paper); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 5657) granting an increase of pension to Andrew King; to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 5658) granting to the El Paso & Southwestern Railroad Co., a corporation organized and existing under the laws of the Territory and State of Arizona, a right of way through the Fort Huachuca Military Reservation, in the State of Arizona, and authorizing said corporation and its successors or assigns to construct and operate a railway through said Fort Huachuca Military Reservation, and for other purposes; to the Committee on Military Affairs.

By Mr. O'GORMAN:

A bill (S. 5659) to supplement and amend an act entitled "An act to authorize the New York & New Jersey Bridge Cos. to construct and maintain a bridge across the Hudson River between New York City and the State of New Jersey," approved June 7, 1894; to the Committee on Commerce.

By Mr. GUGGENHEIM:

A bill (S. 5660) granting to the city of Colorado Springs and to the town of Manitou, Colo., the right to purchase certain lands for the protection of water supply; to the Committee on Public Lands.

By Mr. PENROSE:

A bill (S. 5661) granting an increase of pension to Jefferson Wyckoff;

A bill (S. 5662) granting an increase of pension to Thomas T. Paxton; and

A bill (S. 5663) granting an increase of pension to Henry M. Means (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DU PONT submitted an amendment relative to reenlistments in the Army or in the Signal Corps after the President shall by proclamation have called upon honorably discharged soldiers of the Regular Army to present themselves within a specified period, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

He also submitted an amendment relative to the detachments of certain officers in the Army, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. CLAPP submitted an amendment proposing to appropriate $1,500 for the extension of a ditch at the Pipestone Indian School, Minnesota, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. LODGE submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, which was referred to the Committee on Claims (with accompanying paper) and ordered to be printed.

THE POSTAL SERVICE (S. DOC. NO. 379).

Mr. GARDNER. On the 26th of February I introduced a bill (S. 5474) to provide for the general welfare and to regulate commerce with foreign countries and between the several States and to increase and enlarge the facilities and efficiency of the Post Office Department. Since that time I have compiled some statistics on the subject. I ask unanimous consent to have 5,000 additional copies printed as a Senate document for the use of the Senate.

The VICE PRESIDENT. Without objection, the order asked for by the Senator from Maine is entered.

The order as agreed to was reduced to writing, as follows:

Ordered, That 5,000 additional copies of the document "The Parcel Post and High Cost of Living, a Problem in Express Service; Relief to Consumers and Express Shippers Through Postal Express," be printed for the use of the Senate.

THE LAWRENCE (MASS.) STRIKE.

The VICE PRESIDENT. Is there other morning business?

Mr. POINDEXTER. I move to take from the calendar for present consideration Senate resolution 231.

Mr. LODGE. Has the morning business been concluded?

The VICE PRESIDENT. The Chair has not announced the conclusion of morning business. The Senator from Washington asks unanimous consent for the present consideration of the following resolution:

The SECRETARY. Order of Business 357, Senate resolution 231, a resolution by Mr. POINDEXTER for the investigation and report by the Secretary of Commerce and Labor regarding certain labor conditions in Lawrence, Mass.

Mr. SMITH of Michigan. I should like to ask the Senator from Washington a question. He has made a number of ineffectual attempts to get the resolution before the Senate, which, I regret, were not successful. The other day when it was under discussion the last clause seemed the cause of debate. I should like to ask the Senator from Washington whether that clause has been eliminated?

Mr. POINDEXTER. Yes.

Mr. SMITH of Michigan. And practically the suggestion of the Senator from Texas [Mr. CULBERSON] has prevailed.

Mr. POINDEXTER. Yes; my suggestion has the effect of accepting the amendment proposed by the Senator from Texas.

Mr. SMITH of Michigan. The conduct of the local authorities is obviated in its present form. I can see no objection to the resolution, and hope it may be considered this morning.

Mr. POINDEXTER. Any objection made on that account is obviated.

Mr. SMITH of Michigan. I am in favor of the resolution of the Senator from Washington.

Mr. CULBERSON. I will state to the Senator that my understanding is that the amendment is still pending.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. The amendment offered by the Senator from Texas is still pending.

Mr. SMITH of Michigan. It has been accepted, I understand.

Mr. CULLOM. Mr. President, I think we ought to have the regular order.

Mr. CULBERSON. If the Senator in charge of the resolution accepts the amendment——

The VICE PRESIDENT. The Senator from Illinois demands the regular order. That is an objection to the present consideration of the resolution.

Mr. POINDEXTER. Mr. President, I make the point that there is no quorum present.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cullom	Lodge	Root
Bourne	Curtis	Lorimer	Smith, Ga.
Brandegee	Dillingham	McLean	Smith, Md.
Briggs	Dixon	Martin, Va.	Smith, Mich.
Bristow	du Pont	Martine, N. J.	Smith, S. C.
Brown	Foster	Myers	Stephenson
Burnham	Gallinger	Nixon	Sutherland
Burton	Gardner	O'Gorman	Swanson
Chamberlain	Gronna	Overman	Thornton
Clapp	Guggenheim	Page	Tillman
Clark, Wyo.	Heyburn	Perkins	Townsend
Clarke, Ark.	Johnson, Me.	Poindexter	Warren
Crane	Johnston, Ala.	Pomerene	Watson
Crawford	Kenyon	Rayner	Wetmore
Culberson	Lea	Richardson	Williams

Mr. CRAWFORD. I am sorry to state that my colleague [Mr. GAMBLE] is necessarily absent on business. I will state for the day that he has a general pair with the junior Senator from Arkansas [Mr. DAVIS].

The VICE PRESIDENT. Sixty Senators have answered to the roll call. A quorum of the Senate is present. Is there other morning business?

DUTY ON LEAD AND ZINC ORE.

Mr. CLAPP. I ask to have a letter I have received from A. L. Warner, of Duluth, Minn., inserted in the RECORD. It relates to the tariff on lead and zinc ore, or concentrates, and seems to be a very fair discussion of that question. I desire to have it for use in the consideration of that subject.

The VICE PRESIDENT. Is there objection to the request of the Senator from Minnesota? The Chair hears none, and the order is entered.

The letter is as follows:

DULUTH, MINN., *February 24, 1912.*

Hon. MOSES E. CLAPP,
Washington, D. C.

DEAR SENATOR: I have been watching with a great deal of interest the developments of the bill which is now before the Senate applying to duty on lead and zinc ore, or concentrates. I have also taken considerable trouble to ascertain the facts in connection with the mining and smelting of zinc in the United States, Canada, and old Mexico.

I received a copy of the Wallace Miner, which is published in Wallace, Idaho, dated February 15, 1912. I inclose a clipping from this paper entitled "Opposes tariff reduction."

Wallace is located in a little valley in the Coeur d'Alene district. I am quite familiar with the mining conditions in this district, and also with conditions in lead camps in Canada adjoining the Coeur d'Alene. The same wages are paid to miners in both districts, and the cost of operating and mining is practically the same, as the mines are on the same range separated only by the international border. Therefore there is no legitimate reason why the duty should be imposed on lead and zinc ore, or concentrates coming from the Coeur d'Alene district in Canada into the United States.

The basis of tariff in my opinion is based upon labor. Labor and natural conditions being the same in two countries, there is no reason why the tariff should be imposed against products of either country, where the cost of production is the same.

I am connected with a property in the Coeur d'Alene district, which has been operated for about two years. We are paying at the present time for crosscutting and drifting in our mine $9 per foot for a crosscut 6½ by 7. The average price of work of this kind in the district is $10 per foot. These figures are based on actual contracts for development work, therefore they are correct.

I note by the inspector's report, which I am inclosing to you, that they refer to labor of Mexico and Spain, which is paid an average wage of about 50 cents per day. This statement is absolutely false. I am connected with, and, in fact, managing a company operating in Mexico, near Cananea, Sonora. We are mining lead, zinc, and copper. The average cost for mining and milling the past year was $3.75 per ton. We are paying Mexican labor $1.60 per day gold. It is inefficient labor, and it will take at least two Mexican miners to do as much work in 10 hours as it will one American miner to do the same amount of work in the same time—wholly on account of the Mexican miner being inefficient and inexperienced and not able to do the amount of work that the American miner can do.

The contract price for crosscutting and drifting in the Cananea district is $10 per foot gold. We have recently let a contract for crosscutting 150 feet for which we paid $10 per foot for the work. This work was let by contract to competitive bidders. Therefore the labor cost per ton for mining ore in Mexico is equal to the cost per ton for the same work in the Coeur d'Alene district in Idaho or Canada. The expense of operating in Mexico is about 15 per cent higher than in the United States. Lumber is higher, groceries are higher, steel is higher, and clothing is higher. Therefore, the operating of a mining industry in Mexico is more expensive and costs more per ton to mine and produce ore than it does in the Coeur d'Alene district in Idaho or the Joplin district of Missouri.

In a conversation last week with Mr. Fred Hugo, of Duluth, who is managing a zinc property in the Joplin district, Missouri, he told me that their cost of mining and milling was less than $3 per ton in that district. Mr. Hugo is also interested with me in the property near Cananea, Sonora. He said our cost was too high, and if our mine was located in the United States, where it could be more cheaply operated, it would be worth double what it is to-day.

When you get the honest opinion of operators in the zinc districts of the United States, they will tell you, if they are familiar with the facts, that the cost of production is less in the United States per ton than in Mexico. It is true that some of the leading furnace men of the United States are bitterly opposed to the tariff reduction on lead and zinc ore or concentrates. This applies only to lead and zinc furnace companies that have a supply for their furnaces. The furnace companies who depend on buying their ore in the open market are in favor of free lead and zinc coming into the United States from Mexico, for the reason that there is a broader market which can not be as easily controlled and will be a great benefit in supplying their smelters.

I met the Congressman representing Oklahoma on the train. He was going to Bartlesville to look the situation over. He told me that the smelters in the Bartlesville district were very anxious for free zinc from Mexico, for they depended on the small mines to keep their smelters running, for they buy their zinc ore or concentrates in the open market.

The large lead and zinc smelting companies, such as the Guggenheims, the New Jersey Lead & Zinc Co., the American Lead & Zinc Co., and other smelting companies in the States who own and control lead and zinc properties are bitterly opposed to admitting lead and zinc from any country into the States free. By keeping out lead and zinc ores or concentrates, owning and operating mines to supply their smelters, they can practically control the lead and zinc business in the States, therefore they would be opposed to admitting lead and zinc ores or concentrates free, for by doing so it would broaden the market so it would not be as easy to control, and the broad market would assist the smaller smelters to build up larger smelting industries in the States, which would stimulate competition.

I am also advised the Guggenheims are making quite extensive plans for increasing their smelter capacity in Mexico. In my opinion this question solves itself down to a few concerns controlling the lead and zinc business of the world. If these enterprises or smelting concerns are able to keep lead and zinc ore or concentrates from coming into the United States free of duty and control the lead and zinc industry of the United States and build smelters in Mexico to control the lead and zinc business in Mexico, they are building up a monopoly that will be far harder to cope with than the Steel Trust or the Standard Oil Co. It also builds up industries in a foreign country which would come to the United States if the duty was taken off of lead and zinc ore or concentrates, so that the product could be shipped to the States and manufactured here. Instead of its being a detriment to the laboring class in the United States it would be a benefit to them, as it will not reduce the wages, but will increase the smelting business in the States, which will make more work for the laboring man and will build up industries in our own country and not in a foreign country.

Notwithstanding the fact that it costs more to mine and concentrate ore in Mexico than it does in the United States, we have a freight charge of $5.50 per ton from our mines to the nearest smelter. In the Joplin district the smelters are practically at the door of the mines. The freight rate from the mines in Idaho to smelters is less than in Mexico. I am told the rate is $4.50 per ton. The exact amount can be easily ascertained.

I trust that you will consider this matter carefully and thoroughly investigate the facts in connection with the bill now pending in the United States Senate, which places zinc ore from Mexico on the free list. I feel positive that the placing of zinc and lead ores from Mexico on the free list is in the interests of the majority of our people and that it will build up and foster the zinc-smelting industry in our country.

Yours, very truly, A. L. WARNER.

SUGAR-TARIFF REDUCTION (S. DOC. NO. 378).

Mr. CURTIS. I have a copy of a brief digest of the testimony embodied in the hearings held before the Hardwick special committee on the investigation of the American Sugar Refining Co and others, compiled by Truman G. Palmer, on the subject of sugar-tariff reduction. I move that the digest be printed as a Senate document.

The motion was agreed to.

DUTY ON RAW SUGAR (S. DOC. NO. 377).

Mr. CURTIS. I have a paper containing 24 arguments advanced by the New York refiners of raw sugar favoring the reduction or removal of the duty on foreign raw sugar, the wrecking of the people's home beet-sugar industry, and reestablishing in the refiners an absolute monopoly of the sugar business and consequent control of prices to the consumer, together with a reply to each argument, which has been prepared by Truman G. Palmer. I move that the matter be printed as a Senate document.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On February 29, 1912:

S. 4475. An act to amend an act entitled "An act to simplify the issue of enrollments and licenses of vessels of the United States."

On March 1, 1912:

S. 238. An act to authorize the extension of Lamont Street NW., in the District of Columbia.

On March 4, 1912:

S. 3776. An act granting the consent of Congress to the Board of County Commissioners of Lincoln County, State of Montana, to construct, maintain, and operate three bridges across the Kootenai River, in the State of Montana; and

S. 4749. An act relative to members of the female nurse corps serving in Alaska or at places without the limits of the United States.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 16612. An act authorizing and directing the Secretary of the Interior to convey a certain lot in the city of Alva, Okla.; and

H. R. 17032. An act authorizing the Secretary of the Interior to grant further extension of time within which to make proof on desert-land entries in the counties of Modoc and Lassen, Cal.

The following bills were severally read twice by their titles and referred to the Committee on Indian Affairs:

H. R. 16661. An act to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands held under claim or color of title by individuals or private ownership or municipal ownership situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians under and by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians on March 24, 1832; and

H. R. 19863. An act authorizing the Secretary of the Interior to subdivide and extend the deferred payments of settlers in the Kiowa-Comanche and Apache ceded lands in Oklahoma.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 17239. An act to authorize Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River;

H. R. 19638. An act to authorize San Antonio, Rockport & Mexican Railway Co. to construct a bridge across the Morris and Cummings Channel; and

H. R. 20117. An act to authorize the Nebraska-Iowa Interstate Bridge Co. to construct a bridge across the Missouri River near Bellevue, Nebr.

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H. R. 5601. An act to limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured by convict labor or in any prison or reformatory; and

H. R. 14083. An act to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes.

H. R. 16306. An act to provide for the use of the American National Red Cross in aid of the land and naval forces in time of actual or threatened war was read twice by its title and referred to the Committee on Military Affairs.

H. R. 20048. An act declaring that all citizens of Porto Rico and certain natives permanently residing in said island shall be citizens of the United States was read twice by its title and referred to the Committee on Pacific Islands and Porto Rico.

GENERAL ARBITRATION TREATIES.

The VICE PRESIDENT. Is there further morning business?

Mr. POINDEXTER. Mr. President, I move, notwithstanding the objection——

The VICE PRESIDENT. Morning business is closed. The Senator from Washington.

Mr. LODGE. Mr. President——

Mr. POINDEXTER. Notwithstanding the objection, I move to proceed to the present consideration of Senate resolution 231, and I move the adoption of the resolution.

The VICE PRESIDENT. The Senator from Washington moves that the Senate proceed to the consideration of the resolution named by him.

Mr. POINDEXTER. I move to proceed to the consideration of the resolution as amended.

Mr. LODGE. I make the point of order that, under the unanimous-consent agreement, nothing is in order to-day except that special order of the Senate.

Mr. CULLOM. It is absolutely specific.

The VICE PRESIDENT. The unanimous-consent agreement, the Chair notices, does not say at what time the Senate will proceed to the consideration of the treaty matter, and the Senate can do so at any time it sees fit, but it must do it at some time during the day.

Mr. POINDEXTER. I think the resolution for which I ask consideration will only take a few moments.

Mr. LODGE. I think it has been the universal practice——

The VICE PRESIDENT. The Chair thinks that is a matter which the Chair can not pass upon, but which the Senate must pass upon.

Mr. CULBERSON. Before the Chair makes a formal announcement I invite the attention of the Chair to the ruling of the Chair on yesterday to the effect that this special order would take effect immediately after the routine morning business.

The VICE PRESIDENT. The Chair thinks he made no such ruling.

Mr. CULBERSON. In answer to the Senator from Michigan [Mr. SMITH]——

Mr. CULLOM. That certainly has been the rule.

The VICE PRESIDENT. The Chair notices by the RECORD that the Senator from Michigan [Mr. SMITH] made the inquiry:

That is, it will be taken up after the routine morning business?

And the Chair answered:

After the routine morning business.

The Chair must say in that connection that at the time he made the response to the Senator from Michigan the Chair had in mind the usual form of unanimous-consent agreement and supposed that the matter would come up immediately after the morning business was concluded, but the resolution does not so state. It is therefore a matter for the Senate to determine.

Mr. LODGE. Then, Mr. President, I move that the Senate proceed to the consideration of the general arbitration treaties as in open executive session.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. The Senator from Washington has made a motion to proceed to the consideration of another matter.

Mr. LODGE. A motion to proceed to the consideration of executive business is a privileged motion.

The VICE PRESIDENT. The Senator is correct in that statement.

Mr. POINDEXTER. Mr. President, is not the motion which I made also a privileged motion under Rule IX?

The VICE PRESIDENT. It is; but the motion which the Senator from Massachusetts makes takes precedence.

Mr. CULBERSON. Mr. President, I rise to a question of order.

The VICE PRESIDENT. The Senator will state it.

Mr. CULBERSON. Under the head of "General arbitration treaties," in the RECORD of yesterday's proceedings, occurs the following:

Mr. SMITH of Michigan. Mr. President, apropos of the motion just agreed to, I should like to make a parliamentary inquiry. I notice that unanimous consent was given some days ago to vote on the British and French arbitration treaties on Tuesday, the 5th instant. I should like to inquire whether, under this unanimous-consent agreement, that will be the first business taken up in the morning?

The VICE PRESIDENT. After the morning business.

Mr. SMITH of Michigan. That is, it will be taken up after the routine morning business?

The VICE PRESIDENT. After the routine morning business.

I suggest that the Chair has ruled on this proposition, and ruled correctly, and the Senate so understands it from the colloquy between the Chair and the Senator from Michigan on yesterday.

The VICE PRESIDENT. The Chair will state, in answer to the suggestion of the Senator from Texas [Mr. CULBERSON], that, of course, he has read the RECORD correctly, but the Chair at the time he made the response to the inquiry of the Senator from Michigan did not have the unanimous-consent agreement before him and was speaking from memory. Now the matter, it seems to the Chair, is disposed of by the Senator from Massachusetts [Mr. LODGE] making his motion, which puts the whole proposition up to the Senate, Will the Senate now proceed to the consideration of this matter in open executive session? It is a motion which is now in order.

Mr. GALLINGER. Regular order, Mr. President.

Mr. POINDEXTER. I make a parliamentary inquiry as to the meaning of "morning business." Does not "morning business" include up until the hour of 4 o'clock, or 2 o'clock at least, the calling of the calendar, and an opportunity to move to take up matters on the calendar?

The VICE PRESIDENT. No; "morning business" is certain routine business, as laid down in the rule, that may proceed for two hours, but can be closed before, and is closed before, when the Chair so announces. After the conclusion of that business and the announcement by the Chair to that effect, then the Chair thinks the motion which the Senator made was in order, but after he had made that motion the Senator from Massachusetts made a motion, action upon which is preferential under Rule XXII, and that is the matter which must first be disposed of.

Mr. GALLINGER. Regular order!

The VICE PRESIDENT. The question is on the motion of the Senator from Massachusetts [Mr. LODGE].

The motion was agreed to; and the Senate, as in open executive session, resumed the consideration of the treaties of arbitration between Great Britain and France and the United States.

Mr. LODGE. Mr. President, I desire to take a few moments to correct a statement that I made when addressing the Senate on Thursday last in regard to the pending treaties.

In stating that no postal treaty had ever been submitted to the Senate I overlooked, despite a very careful search, one postal treaty which was made in December, 1848, with Great Britain. At that time, prior to the statute of 1851, the rates on foreign postage were fixed by statute, and there was no method of making special rates with any country while the statute remained unrepealed except by treaty. The treaty with Great Britain was accordingly made, Lord Palmerston and Mr. Bancroft being the negotiators, and was duly ratified by the Senate. There was one other treaty which is sometimes referred to as a postal convention, and in this connection I think it well to mention it. This treaty was made with New Granada in 1844 and was necessary because it involved the carrying of United States mails across the Isthmus; that is, through foreign territory. No treaty involving the transit of United States mails across foreign territory could be made now or at any time except in the regular treaty form and with submission to the Senate. This case, therefore, has no bearing on the question of postal treaties as a precedent. The treaty with Great Britain is an exception, but, I believe, the only one; and it proves, I think, the existence of the rule in regard to our action as a government in respect to postal treaties which I attempted to lay down. I do not think that it affects in any way the conclusions to be drawn from our otherwise uniform practice or the proposition that foreign, like domestic, postal arrangements are dealt with and have always been dealt with under the power to establish post offices and post roads and to regulate foreign commerce.

I ask that this statement may be printed as a note to the copy of the speech which was ordered printed by the Senate.

The VICE PRESIDENT. Without objection, that will be done.

Mr. BROWN. Mr. President, the doctrine that peace can only be maintained by the ability of a nation to defend itself is not sound. Armament adequate for the Nation's defense is necessary because self-preservation is the first law of nature, and its enforcement is the first and paramount duty of every great nation. An efficient navy with power to repel assault is imperative, but the need of it is for self-protection and self-preservation purposes. It has no office as a peace agent and no force as a peace argument. Its power might be useful to force ungenerous and unfair terms of surrender upon a conquered nation, but never has this Government ever suggested a cessation of hostilities upon terms but the most generous and conscionable. Never in all the history of civilized nations did a heavy armament ever avert war nor did a small armament ever invoke war.

It is very easy to say that the shores of the Mediterranean would be to-day peaceful had Turkey possessed a strong navy. But the statement is naked and unsupported by any fact, and is a reflection on the Italian Government. Any opinion either way on that subject is idle and inconducive and proves nothing, for opinions come and go easily as the exigency of debate or the distress of the debater may suggest. Did the great navies of Japan or Russia, a few years ago, avoid war, or did the smaller navy of either invite war? Did the size of our sea

armament have anything at all to do either to encourage or discourage a declaration of war against Spain, or was the inefficiency of Spain's navy given any consideration at all when Congress voted $50,000,000 to President McKinley to prosecute war against that country? Every man knows we would have declared war at that time even if Spain's navy had been the greatest in the world and we had had no ships at all. Therefore, it seems to me, in considering these treaties intended to promote peace by arbitration the argument which would substitute *Dreadnoughts* for an arbitration court is not sound.

The issue presented by the pending treaties as negotiated by the President and submitted to the Senate for ratification can not be obscured by opinion builders, however talented or scholarly they may be. The American people know what the issue is and the Senate may as well meet it frankly and in the open. It will add perhaps to the literature of the country, but not to the good name of the Senate, for us to quibble and haggle over the importance of large navies or over the meaning of words which have a well-defined significance in the average mind of the American citizen.

There is one delightful thing about peace—everybody advocates it. As an abstract proposition it has no enemies. For 2,000 years the world has talked for peace and has been at war more or less during all of that time. The time has come now when less talk about it and more effort to maintain it should be made by nations. The pending treaties mark the first constructive effort by this country and Great Britain and France to make peace certain between them at least. These treaties propose to broaden the field of arbitration by including subjects of dispute heretofore excluded from that field. Herein lies the one chief characteristic distinguishing these from existing general arbitration treaties.

We have to-day 19 agreements with as many countries providing for the arbitration of differences which may arise between us, provided such differences do not arise over questions involving vital interests or the national honor. Let me read you article 1 of the existing arbitration treaty negotiated with Great Britain by this country and ratified June 4, 1908. The same article is found, I think, in all the other 18 arbitration treaties with other countries. The article reads:

> Differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two contracting parties, and which it may not have been possible to settle by diplomacy, shall be referred to the permanent court of arbitration established at The Hague by the convention of the 29th of July, 1899: *Provided, nevertheless,* That they do not affect the vital interests, the independence, or the honor of the two contracting States and do not concern the interests of third parties.

That is the provision in existing treaties corresponding with article 1 in the pending treaties. The proviso contained in the article I have read in the existing treaties is omitted from the treaties which were negotiated by the President and have been referred to the Senate for ratification.

The importance of the omission and its significance for practical peace purposes must be conceded. The pending treaties are real peace contracts as compared with the existing treaties, and the proof of it lies in the fact that the questions excluded from arbitration by the existing treaties are submissable to arbitration under the proposed treaties.

Let us examine this point in some detail. Can anyone recall a war between civilized peoples the cause of which arose over some question not involving the vital interest or the national honor of either nation? I do not think such an instance can be cited in all history. It must be conceded, then, that whenever wars have been waged the cause of them arose over questions involving either the vital interest or the national honor, or both, of the peoples in conflict.

The existing treaties exclude, therefore, from the field of arbitration the very causes and the only causes of any war that was ever fought. The fact that the pending treaties propose to submit to arbitration the questions that have caused war make them, if lived up to by the contracting nations, guarantees for peace. This accounts, in my judgment, for the widespread and well-grounded public sentiment of the people of the United States in favor of their ratification. The public mind is quick to see the real issue in every public question. The public conscience abhors war as it does crime, and when the public mind sees, as it does in these treaties, an agreement to arbitrate the only disputes that ever cause war, any attempt to delay or defeat ratification becomes the subject of public impatience and public disapproval. It will not do for us to waive this public sentiment aside by stigmatizing it as popular clamor. It is not clamor. It is the public intelligence and public conscience at work in every home, and in every church, and in every schoolhouse, and in every walk of life of a free and courageous people.

It was suggested here the other day by a very distinguished Senator that he had become weary and impatient because of what he termed the clamor in favor of these treaties and at the criticism which had been directed against the Senate because it had not yet ratified them. I do not agree with the Senator on that point. My notion is the Senate has less excuse to be impatient with the people than the people have to be impatient with the Senate. These treaties were submitted to the Senate for action August 4, 1911, more than seven months ago. Congress was in session at the time, and remained in session, I think, for three weeks after the message of the President submitting them. We adjourned and reconvened the 4th of December, and have been in session, with the exception of a 10-day vacation, ever since. Not until very recently has any serious consideration been given to them by the Senate. On these facts the Senate may not be censurable as a matter of right and justice—on that I express no opinion—but on these facts certainly the public is not censurable because it fails to understand why no action has been had during all these months. If these treaties are without merit they should have been rejected long ago. If they are right they should have been ratified long ago. The Committee on Foreign Relations was quick to bring in its report, which was a very pronounced indictment against the treaties as negotiated. The delay can not be laid at the door of the committee.

But I have digressed. Let us return to the treaties themselves and leave the dilatory and procrastinating habit of the Senate to the tender mercies of a patient and, I hope, a forgiving people. The fact that the pending treaties propose to submit to an international court of arbitration questions involving vital interest and national honor should command the support, it seems to me, of every man who desires to see arbitration actually substituted for war.

This principle had the support of the Senate of the United States in 1890, and is shown by the CONGRESSIONAL RECORD under date of February 14 of that year. On that day the Senate adopted by unanimous vote Senator Sherman's resolution calling upon the President to negotiate all inclusive arbitration treaties with foreign governments. The resolution reads as follows:

> That the President be, and he is hereby, requested to invite from time to time, as fit occasions may arise, negotiations with any government with which the United States has or may have diplomatic relations, to the end that any differences or disputes arising between the two Governments which can not be adjusted by diplomatic agency may be referred to arbitration and be peaceably adjusted by such means.

You will observe that the resolution excluded no subject whatever from the field of arbitration, but says in express words that "any differences or disputes" arising between the two Governments and which can not be adjusted by diplomacy shall be referred to arbitration. At that time the Senate of the United States did not hesitate to express its approval of the cardinal doctrine of the pending treaties. Nor was the Senate the only legislative branch of the Government that expressed an opinion in 1890 on this question. Sherman's resolution went to the House and was concurred in by that body three months later. Nor is that all. The resolution was considered by the British Parliament, which in a resolution of its own expressed the hope that Her Majesty, the Queen of England, would cooperate with the United States along the lines laid down in the Sherman resolution.

Nothing substantial was heard of this doctrine from that time until negotiations were opened by the President of the United States with the representatives of the British and French Governments, culminating in the treaties under consideration. The result is that nothing to-day stands in the way of making the doctrine of real arbitration a fact except the Senate of the United States. We have the power to kill it. I take every Senator here at his word, and I have no doubt that every Senator is just as anxious to really promote peace as he is willing to advocate peace. Our trouble is the same trouble that always confronts anybody who undertakes to practically provide ways and means for doing something that he knows ought to be done. It took men generations and centuries to devise and establish a plan by which differences arising between individuals might be adjudicated and settled without violence. The plan is not yet perfect so far as its success as an agency to do exact and full justice in all instances is concerned, but it approximates success. It provides a way in which every dispute between men, whether the dispute involves the vital interest or the property or the honor of the individual, must be submitted under the law to a court of arbitration. We have provided compulsory arbitration for every citizen in affairs of his own. The decision of the arbitration court may not always be right, but we compel the citizen to submit his controversy to the court and to abide by the decision, right or wrong. If it is possible to arbitrate all differences arising between individuals, it must be possible for us to provide a plan under which all differences between nations can be arbitrated.

It can be done. Here are three great nations, composed of civilized and Christian peoples. Each has been able to provide due process of law for its citizens. Law and order settle all domestic disputes. Force is no longer the arbiter in any of the three countries. If men have been able to provide due process of law for themselves as individuals and citizens, what excuse have they for failing to provide due process of law for the nations of which they are citizens? One is certainly just as practicable and ought to be just as possible as the other, and it is if we set our heads and hearts to the task of working out the plan.

The President has proposed this plan. If anyone has a better one, let it be suggested. The public has no unflinching devotion to any particular plan, but the plan offered here is the only plan as yet suggested. I believe we ought to try it.

Let us look at the plan proposed. Article 1 of the treaties before us, which is substituted for article 1 of existing treaties, is as follows:

All differences hereafter arising between the high contracting parties, which it has not been possible to adjust by diplomacy, relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other, under treaty or otherwise, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the permanent court of arbitration established at The Hague by the convention of October 18, 1907, or to some other arbitral tribunal, as shall [may] be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, to define the scope of the powers of the arbitrators, the question or questions at issue, and settle the terms of reference and the procedure thereunder.

The first objection urged to this article, so far as I am advised, is that it omits the proviso in article 1 of existing treaties excluding questions of vital interest and national honor from arbitration. I have already discussed that objection; but objection is also made that the language of this article is ambiguous and of uncertain meaning. The phrase "claim of right" is taken up by itself and numerous definitions of lexicographers are given to show what "claim" means and then what "right" means, and then an argument designed to add to the confusion is made to show that these words, used together, have no definite significance at all.

The critic takes the word "justiciable" and the words "law or equity" separately and apart and then all together, and finds serious trouble and insurmountable difficulty in an effort to discover what is meant. I have very little patience personally with these hypercritical and technical discussions. Of course, everyone will acknowledge that words and phrases may have different shades of meaning. The law of definition is not an exact science. I am willing to take the ordinary and usual interpretation given to these words and phrases and leave them in the treaties, although no doubt other language might be used which would suit some minds better, if they could be suited at all; but what might suit the mental attitude of one Senator would very likely arouse the critical attitude of his colleague.

The phrase "claim of right" with ordinary people and to an ordinary mind carries the notion of an obligation of one party to another; ordinarily the term means a legal right. Being an obligation or legal right, it necessarily excludes the idea of national policy, either domestic or foreign. A claim of right implies that something is due; it may arise out of a contract, either express or implied, or it may arise out of a wrongful act. The phrase "of a legal nature," used in article 1 of the existing treaties, is a phrase susceptible of as many shades of meaning and of as many different possible applications as the phrase "claim of right" in the pending treaties.

So with the other words: "Justiciable" is generally accepted to mean by the average man, when applied to a controversy, that it is susceptible of determination by applying the rules of justice, which is another way of saying the principles of law or equity. The principles of law and equity are the principles of justice. We speak of a court of law and of a court of equity; they are both courts of justice. The words "law" and "equity" relate in their differences to procedure and remedy as well as to principles. The distinction between the two is fast disappearing. Courts and lawyers have ever disagreed just where the dividing line is between legal and equitable principles. It has been said that equity appeals to the conscience of the chancellor while the law appeals to the intelligence of the court. The ordinary and usual everyday interpretation of the language of article 1 is that all differences involving every question of a substantial character in which one nation in good faith makes a demand upon another, and which can be determined according to the principles of justice, shall be submitted to arbitration. But, whether or not the language is so ambiguous as to merit criticism, I call your attention to the fact that after discussing in a most critical way the language of the article referred to the distinguished senior Senator from Massachusetts [Mr. LODGE] concluded his criticism with these words:

If these treaties, following the example of those now upon the statute books, had stopped with article 1, which enlarges and defines with a new definition the scope of arbitration, there would have been, I think, no question as to their immediate ratification.

So I take it that if as learned a critic as the Senator from Massachusetts is after all willing to accept the language of article 1, no friend of the treaties has need to entertain any fear on account of it.

Article 2 reads as follows:

The high contracting parties further agree to institute as occasion arises, and as hereinafter provided, a joint high commission of inquiry to which, upon the request of either party, shall be referred for impartial and conscientious investigation any controversy between the parties within the scope of article 1, before such controversy has been submitted to arbitration, and also any other controversy hereafter arising between them, even if they are not agreed that it falls within the scope of article 1: *Provided, however,* That such reference may be postponed until the expiration of one year after the date of the formal request therefor in order to afford an opportunity for diplomatic discussion and adjustment of the questions in controversy, if either party desires such postponement.

Whenever a question or matter of difference is referred to the joint high commission of inquiry, as herein provided, each of the high contracting parties shall designate three of its nationals to act as members of the commission of inquiry for the purposes of such reference; or the commission may be otherwise constituted in any particular case by the terms of reference, the membership of the commission and the terms of reference to be determined in each case by an exchange of notes.

This article has not been discussed in any way by those who oppose the treaties. To my mind it is a most important and far-reaching provision. It provides for a joint commission whose duty shall be to investigate every controversy arising between the countries within the scope of article 1, and provides that the investigation shall be made before such controversy shall be submitted to arbitration. It further provides that the investigation, at the request of either party, shall be postponed for at least a year in order to afford an opportunity for an adjustment through diplomatic agencies. The judgment and finding on both law and fact shall be made by the commission, and while such finding is not binding on either party under the express terms of article 3, still the effect will be to hold the contracting countries away from war during the period of 12 months, a sufficient time to adjust peaceably, in all human probability, every controversy that may arise. This article, therefore, to my mind, is of and by itself an almost certain guaranty of future peace, actual peace, between this and any other country who will make and keep such a contract.

Of course, I assume and I refuse to entertain for a moment any other assumption than that these contracts, if made, will be kept by the countries making them. I look upon every suggestion made by those who for one reason or another seek to discredit the treaties that they will be broken by us as a most desperate if not an ignoble suggestion. When did this Government ever violate any of its treaty obligations? Who on this floor is willing seriously to suggest that the people of this Government will ever tolerate the bad faith involved in violating any treaty obligation? Those men who suggest it now do a very grave and unwarranted injustice to the American people. Americans are as jealous of their Nation's honor as they are of their own, and they will never submit to the violation of any treaty which the Nation may make. The fact that the American people are willing to arbitrate their differences with another country proves their determination as well as their willingness to accept the judgment of the arbitrators.

The average citizen knows that when his country's quarrel is submitted to a court of arbitration, with jurisdiction and power to inquire into the controversy, that submission carries with it the power to adjudicate the controversy either for or against us. If he is not willing to abide by the result, he would not be willing to enter into the contract to submit the controversy. What sort of political morality is it which suggests any sort of arbitration which would give us the right to accept the judgment of the arbitrators or to reject it at our pleasure? The other country by the arbitration method takes a chance to lose; so do we. Just as in the case of war, both countries take the chance of defeat. The losing party is bound by the war verdict; the losing party is bound by the arbitration verdict. In every dispute between citizens which goes to the courts for arbitration one party must lose, and the winning and the losing parties are both bound by the judgment. So it is with disputes between nations.

Article 2, which I have read, is new to the treaty literature of the world; such a provision can not be found in any existing treaties between the nations of either hemisphere. It is a distinct, substantial, and practical step forward toward the peace of the world.

Article 3 reads, as follows:

The joint high commission of inquiry, instituted in each case as provided for in article 2, is authorized to examine into and report upon the particular questions or matters referred to it for the purpose of facilitating the solution of disputes by elucidating the facts, and to define the issues presented by such questions, and also to include in its report such recommendations and conclusions as may be appropriate.

The reports of the commission shall not be regarded as decisions of the questions or matters so submitted, either on the facts or on the law, and shall in no way have the character of an arbitral award.

It is further agreed, however, that in cases in which the parties disagree as to whether or not a difference is subject to arbitration under article 1 of this treaty, that question shall be submitted to the joint high commission of inquiry; and if all or all but one of the members of the commission agree and report that such differences is within the scope of article 1, it shall be referred to arbitration in accordance with the provisions of this treaty.

No objection is made to this article, as I understand it, except to the last paragraph, wherein it is agreed that there shall be submitted to the joint high commission of inquiry the justiciability of the controversy. The objection to this paragraph rests on the interpretation given to it that the judgment of the commission on the justiciability of the controversy is final and binding, and therefore the constitutional prerogatives of the Senate as a part of the treaty-making power are impaired. In my judgment the interpretation is incorrect. Such an interpretation can not be sustained unless you construe the paragraph by itself, without relation to the other provisions of the treaties and without regard to the last sentence in the paragraph. An interpretation which to sustain makes it necessary to disregard all the rest of the document and a portion of the paragraph interpreted is not an interpretation which will commend itself very enthusiastically to the average American citizen. While this paragraph submits to the joint high commission the justiciability of a controversy between the contracting nations, it expressly says that the judgment on that question as rendered by the high commission, if five of them shall agree to it, shall be reported, and "it shall be referred to arbitration in accordance with the provisions of this treaty." Under article 1, the President, if he thinks the question justiciable, and the other country agrees with him, reports his finding to the Senate. His finding does not bind the Senate, because the article expressly leaves to the Senate the right to pass on the question of submission to the final court of arbitration. So likewise when the question of justiciability is left to the commission, because the President or the other contracting country thinks it is not justiciable and the commission reports its finding to the Senate, the Senate is not bound any more then than it was bound by the finding of the President on the question.

When there is agreement that the controversy is justiciable the President reports to the Senate; when there is a disagreement about the justiciability of the controversy the finding is reported by the commission. The Senate occupies the same office and the same relation to one finding that it does to the other. It follows that no prerogative, however dear or ancient, the Senate may possess is impaired or infringed in the least.

DELEGATION OF POWER.

The other day we heard a very able and exhaustive argument in support of the proposition that the treaty-making power could not be delegated. The speaker went so deeply into that much mooted question as to quote the Supreme Court and other eminent authority. I am glad the argument was made. It will probably never be answered. Nobody since the birth of the Republic ever suggested the contrary doctrine, and I apprehend nobody will ever do so; but of that I am not certain, for in the light of some of the arguments recently made on this question no man can tell what the logic of future days may be.

The commission is delegated to exercise no treaty function whatever. Its duties are limited and defined. Its jurisdiction is fixed. It can do nothing but inquire, investigate, and report upon the limited questions or matters referred to it, if acting under clauses 1 and 2 of article 3, defining the issues presented by such questions and including recommendations; but if acting under clause 3 of article 3, it shall do nothing but investigate and report its findings on whether the question is arbitrable under article 1 of the treaty. To do these specific and definite things, limited by the terms of article 1, is obviously not an exercise of the treaty-making power in whole or in part. To hold otherwise is to fly in the face of the repeated pronouncements of the Supreme Court during a century and more.

The customhouse officers of the Government do not exercise delegated legislative power, yet they determine by direction of Congress what duties certain imports must bear according to rules and standards fixed by Congress. The Supreme Court has said the act of such Government officers is not a legislative act. The Supreme Court has also held that the Interstate Commerce Commission does not exercise delegated legislative power when it fixes a freight rate, because Congress declared the standard the commission should use in determining the rate. In clause 3 of article 3 the President and the Senate, the sole and exclusive treaty-making power of the Government, fix the standard by which the high commission must govern itself in reaching a conclusion on the subject referred to it. This standard is jurisdictional. To go beyond it or to stop short of it is to nullify the judgment for want of jurisdiction.

In this connection the learned Senator from Maryland [Mr. RAYNER], in an expression of his views to the Senate, cites a diplomatic precedent which alone is sufficient to conclude the debate on the question. About 75 years ago Great Britain and this country were in discord over the boundary line dividing the British possessions from the Northeastern States. The line was described in the treaty of 1782. Great Britain claimed the line described in the treaty had one location, and the United States claimed it had another location. By arbitration agreement the King of the Netherlands became the arbitrator to investigate and locate the boundary line. Under the agreement submitting the question to the King of the Netherlands it was provided that he need not be bound to choose between the two lines claimed by the two countries, but was directed to investigate and determine where the boundary line as described in the treaty really was. For some reason he found it impractical or impossible to determine the location of the line described in the treaty of 1782, but he did investigate and determine and reported as arbitrator a boundary line between the two countries which seemed to him to be the most convenient and practicable.

Mr. LODGE. Will the Senator allow me a moment?

Mr. BROWN. Certainly.

Mr. LODGE. The Senator knows, of course, the ground on which we rejected that decision.

Mr. BROWN. I discussed the ground.

Mr. LODGE. We rejected it on the ground that it was not a decision.

Mr. BROWN. Our protest to the award was filed on the ground of want of jurisdiction.

Mr. LODGE. I think if the Senator examines the protest he will see that we took the ground that he decided two questions, but on the others he merely expressed an opinion, and that on what he said we were entitled to a final decision.

Mr. BROWN. The fact was he reported his opinion, which amounted to a determination, so far as he was concerned, that the boundary was along a certain line.

The United States objected to the award for want of jurisdiction, insisting that the arbitrator had exceeded the limitations fixed by the agreement under which he was appointed. Great Britain accepted the protest of the United States as well grounded and treated the decision of the King of the Netherlands as a nullity.

It would appear clear from these authorities that none of the Senate's prerogatives are invaded by clause 3 of article 3.

However, upon the mistaken interpretation that the joint high commission might decide a question arbitrable which the Senate might deem not arbitrable and yet be bound by it, we are told that great peril is in store for this country. We have been told that some foreign country, not named, might be able to get the joint commission to submit the Monroe doctrine or our immigration policy or any other governmental policy to the arbitration court. It takes a strong and vivid imagination to picture these awful disasters which are so sure and so certain to follow the ratification of these treaties. Let us become alarmed slowly for two reasons: First, the interpretation is wrong and there is, therefore, no basis for the disasters anticipated; but even if the interpretation so warmly defended be accepted by the commission, still the Monroe doctrine would be in no danger, our independence and our domestic policies would remain safe, because such a judgment by the commission would be utterly void for want of jurisdiction, and the Senate, as well as the people of the United States, would so declare.

Whenever a court in this country acts without jurisdiction the judgment is void. So the judgment of this commission that the Monroe doctrine was arbitrable would be ultra vires and void. When such a judgment was treated by the American people and the Senate of the United States as void, it would not be a violation of this treaty in any degree or in any sense. The Government of the United States is wholly incompetent under the Constitution to arbitrate away its existence, its life, its independence, or its policies, just as a man is incompetent under the law to arbitrate away his freedom or his existence.

These treaties are made by sovereign nations. Each contracting power is a sovereign power, and the treaty is made by

it as such. To contend that the independence or the existence or the integrity or the governmental policies of either is made by them the subject of arbitration is to contend that they are undertaking to consent to self-destruction, which is contrary to public policy the world over.

It has been argued in some quarters with apparent earnestness that we should be slow to broaden the field of arbitration, because "All the differences with other nations in which we shall be involved will be American questions." The point in this objection is obscure; just what is meant by it is not certain. If the objector means to say the location or site of the subject matter in dispute will be on the Western Hemisphere, the answer is that geography can not affect for good or ill the rights of either party. Every difference arising between this and another country, to be arbitrated under these treaties, must necessarily be at once an American and an European question. If it is an American question exclusively, no other country will have any interest in it; if it is an European question exclusively, this country will have no interest in it. In neither case will the other country ask for arbitration upon it.

This treaty proposes to arbitrate questions involving interests in which America and Great Britain or America and France claim an interest. Their location, whether in this or the other hemisphere geographically, will neither add to nor subtract from their importance nor their arbitrability. It is just as desirable to avoid war over questions arising on this side of the Atlantic as it is to avoid war by arbitrating differences arising on the other side. It is said when the disputes affect interests on our continent "we do not and can not enter upon these agreements on an equality of risk with other nations with which we treat." If the ratio of hazard is to guide and mold the arbitration policy of the United States, we may as well despair and abandon the policy all together. I had supposed that the movement for peace by substituting arbitration for war had a better foundation than the doctrine of chances. I still think so. If our friends who hesitate about arbitration on account of the risk involved will reflect a moment they will realize that war, too, involves not risk alone but danger and death and loss inevitable and irreparable.

Mr. President, it seems to me these treaties ought to be ratified. They promise peace and do not entangle us in any foreign alliance. They are separate agreements with Great Britain and France, each standing by itself. The treaty with France does not suggest any concern over the affairs of any other nation. The treaty with Great Britain creates no obligation on our part to participate in any differences she may have with any nation except our own. They are separate contracts and affect alone the two countries entering into the agreement. With these treaties ratified there is real reason to believe that similar treaties identical in form will be negotiated between this country and all of the other great nations of the earth.

While the Senate has the power, it has no right, in my judgment, to close the door which these treaties open to the settlement of international disputes the world over, which are as certain to arise in the future as they have in the past.

Mr. HEYBURN. It is not my intention, Mr. President, to enter at length upon a consideration of this treaty. On a former occasion, in general terms, I expressed my disapproval of it. I expect to vote for the proposed amendment, which strikes out section 3. I intend to vote for the amendment to the resolution proposed by the Senator from Massachusetts [Mr. LODGE], and then I propose to vote against the treaty.

The Senator from Massachusetts gave good and sufficient reasons for supporting the amendment proposed by him to the resolution of ratification. It would be a useless task for me to enter into an elaboration of those reasons. They could not be better stated. No question was ever better stated in this body at any period of its existence than was that question as stated by the Senator from Massachusetts a few days since. The proposition to strike out the third article or third section——

Mr. SHIVELY. Will the Senator permit me there?

Mr. HEYBURN. Yes.

Mr. SHIVELY. The Senator speaks of striking out the third. Does he mean the third article or the concluding clause of article 3?

Mr. HEYBURN. It is the concluding clause, but it has been familiarly spoken of in that way. It is the third paragraph of article 3. I shall have some suggestions to make briefly as to article 3.

My objections to the treaty are based upon broad grounds. The cry of peace has deceived more people since the beginning of governments than any other. It has generally been a cry for a cessation of hostilities until the other party could get an advantage that would insure victory.

There never has been a time in the history of the world when any progress was made through peaceful agreements. I repeat it, there has been no time in the history of the world when progress toward civilization or a higher condition of mankind was made by a contract or agreement. Every advance step toward what we term civilization to-day has been the result of war. A rule that has been tried out through so great a period of time is entitled to some respect. It ought not to be brushed aside by the novice in political or public affairs.

The American people are not clamoring for this treaty. They are not clamoring that the right of their representatives in Congress to resent aggression at the hands of a foreign foe shall be taken from their representatives. We are intermeddling with a tribunal created by the people of this country for the purpose of dealing with the questions involved here. When the people made the Constitution, acting through their States and representatives, they gave the power of declaring war to the Congress of the United States and not to the diplomatic agencies or to the treaty-making attributes or adjuncts of government. They do not mention them in connection with it. The people, speaking through their representatives in the conduct of the affairs of the Government, have the sole power to declare war, and the Executive, the President, has no option as to whether or not he will carry out the expressed intention of Congress after it has declared war. The President is not required to, nor may he, participate in the act of Congress that declares war. It does not require his signature. The people, speaking through their representatives, when that great question arises, are supreme and the President is only their agent. He becomes the Commander in Chief of the Armies, to command them in the war, and, as the civil Chief Executive, he must carry out the law of Congress that says when war shall or shall not be waged.

Now, you are proposing to take away from Congress and from the people that power, and you are proposing to substitute for that power what? Not even the Senate of the United States, not even the President of the United States, but you are proposing to substitute for the people of the United States and for their Congress a foreign tribunal, which you are pleased to term the High Court of Justice, or some such name.

Mr. LODGE. The High Commission.

Mr. HEYBURN. Yes; you are proposing to place the destiny of this Nation in the hands of a foreign tribunal. I will concede, for the purposes of this discussion, that it will be comprised of able, conscientious, and high-class men, but it is not possible that it can be composed in any part of Americans, as I read the article. Whenever it comes to a determination of the question of whether or not our claims shall be submitted to arbitration, that question is taken from out our hands and determined by a court of foreign sentiment and instincts and heredity. I am not willing to agree to it. We fought the Revolution in order that we might have the right to stand as a separate and sovereign Government among the nations of the earth. That was our purpose. We did not obtain that right by contract; we did not submit the question to a tribunal composed of European monarchs or their appointees. We determined it for ourselves. I am opposed to changing that method of Government. Young men or old men, it matters not, are bound to hold their lives and their strength subject to the preservation of this Government. That is the duty of citizenship; that constitutes the duty of citizenship; and for that duty we obtained many, many rights that are beyond price.

Much has been said as to the meaning of the term "justiciable," and strong arguments have been based upon it; but it seems to me that by dwelling upon that term, with its many meanings and its uncertainty of meaning, we are apt to lose sight of the real question.

No man or set of men elected by the people to carry on our Government under the Constitution are empowered to barter away any right of any part of the people of this country. They do not come here vested with any such right. We elect one of the citizens of the country as President of the United States, and he swears to uphold and defend the Constitution of the United States. Members of Congress do the same thing. That is their primary duty; to that they are bound. The right is given to the President, by and with the advice and consent of the Senate, to enter into agreements with foreign nations, which we term treaties. It requires the concurrent action of those two branches of the Government, but it was never contemplated that they should have the right or exercise the right of bartering away that most precious of all rights of the people—the right to defend their country against foreign governments. No one ever dreamed that they would exercise it.

We grow philanthropic, we grow sentimental—I had almost said "maudlin"—over "the brotherhood of man." No nation ever existed 15 minutes based upon the brotherhood of man; no

community ever did. The only salvation and safety of the Nation is in fixed, arbitrary rules of right, defining the rights of the citizens in our internal affairs and defining the rights of the Government in dealing with other governments.

Suppose, for instance, that the question which was being agitated a day or two ago relative to the validity of our transactions with the Republic of Colombia, in South America, were to come into this caldron through the pathway of bonds and investments and dollars and cents claimed by an English subject; we would have to submit that question to arbitration, because it is not within the rule of the exception in this treaty; we should have to ask some three monarchs of Europe to determine whether or not we should submit that controversy between the subjects of Great Britain and our Government to their judgment in determining whether or not they had an arbitrable case.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER (Mr. CHILTON in the chair). Does the Senator from Idaho yield to the Senator from Michigan?

Mr. HEYBURN. Yes.

Mr. SMITH of Michigan. I do not think the Senator from Idaho has overstated the obligation at all. The truth is that with a case like that and a claim of that character we would not be asked whether we would consent to its arbitration; we have already consented to it by this agreement, and we would simply be memorialized to name three commissioners. The initiation of that controversy rests entirely with the country with whom we have made the contract and not with us.

Mr. HEYBURN. Yes; that is true, Mr. President. I was citing it as one of the instances where we could be compelled to arbitrate. We would not arbitrate it. This Government will never fall so low that it will permit its action already performed, upon which a great enterprise is based and upon which the effect and vitality of the existence of that enterprise rests—we will never submit such a question to the representatives of any monarchy in the world, even though we might make 40 treaties. The people have a way of settling those questions, and they would retire from their Congress the men who had dared thus to undertake to undo that which they have ratified, and they would send men here who would know how to run a government, and dare to do it.

I only suggest that because it is a live question in this Chamber. It is only a few hours since it was urged upon us, and it is now a pending question in a committee of this body. The question raised here would be a sufficient bill upon which to present such a matter—that we had, by political jugglery, brought about a fictitious treaty that enabled us to take advantage of a government with which we were at peace in order that we might gain a pecuniary reward. I am not going to express an opinion in regard to the merits of the Colombian case. I was a Member of this body when those transactions were being considered, and what I had to say I said then. I only cite it as one of those instances that would come within the purview of this proposed treaty.

Suppose, again, that British subjects are found to have in their possession, under a claim of purchase for valuable consideration, some $700,000,000 of bonds that were issued by authority of no law of the United States and yet purporting to have behind them the faith and credit of a part of the United States, do you think this Government, in response to a demand by the subjects of Great Britain, would submit the question to arbitration as to whether or not those bonds were a legal or a moral obligation resting upon this country? Never. Congress might, in its forgetfulness, undertake to do so; but the people of the United States would make a new Congress.

Then, again, it is proposed that the matter shall rest in abeyance one year in order that the boys may determine whether or not they really want to fight. I remember a school-teacher who used to tell the boys that before they entered into a fight they should each walk around the schoolhouse in opposite directions, and if, when they met on the other side, they really wanted to fight, why, go ahead. Contention is an attribute of the human character, whether singly or in the aggregate of nations, and inasmuch as it has been a method of settling controversies between men and nations, we may consider it as one of the old-established rights and lights along the highway from the earliest civilization to the civilization of to-day and not to be lightly disregarded.

Do you suppose, Mr. President, that there would have been a nation called the United States of America to-day had this arbitration treaty been in existence? Oh, I am met with the suggestion that conditions then were peculiar; they do not exist to-day. It may truly be said that there have been no conditions existing in the history of the world that have not been repeated in other ages and which may not be repeated in the ages to come. What government on earth is the result of a contract? Can any Senator name a government that grew out of a contract between nations or parts of nations? I know of none. Are we to have no more governments? Is nothing new and good and great to be carved out of the raw material of the world from which governments have been made in the past and will be made in the future? What tribunal under the influence of monarchical ideas would have allowed the United States to take the territory we gained from Mexico? What monarchy or combination of monarchies would have allowed this great country to reach its present status as a nation? None. There is no monarchy in the world in sympathy with a republic; there never has been, and yet, like the foolish little lamb, just because the lion and the tiger and the jaguar have smooth skins and are lithe and beautiful, we are going up and lie down among them and await their appetite!

Mr. President, these treaties present a serious question, the most serious question that has ever presented itself to the American people as regards their relations with foreign nations. Think you to-day that Germany would consent to adopt our system of government? If not, it is evidence that they do not approve of it. Think you that France, which nominally is a republic, would be willing to incorporate into its system of government the real foundation principles upon which our Government rests? They had the opportunity to do so, but they did not take advantage of it. There can be no better evidence of the fact that they do not approve of it. Do you think that England, Mr. President, approves of our form of government? The best evidence that she does not is that she does not adopt it. Is there any nation on earth that does approve of our form of government? There is none—not one.

If you were going to select a jury to determine the rights of a citizen, in the first place you would want a jury composed of members who spoke the language of the contending parties in order that they might interpret it free from the embarrassing shades and distinctions that even with one who speaks another language is embarrassing. If you were going to select a jury to determine the rights between two American citizens, you would select men who have American instincts. If it involved a question of government or the interpretation or application of laws of the Government to the act of a party, you would select men who knew something of our laws and had some sympathy with them. That is not the proposition under this treaty.

It is not proposed that this court, which is to determine whether we have any cause of action—in other words, to pass upon the demurrer to the bill—it is not intended that it shall contain members who are familiar either with our institutions or who speak our language. If our representatives were so unfortunate as not to understand the language in which one or more of them expressed his ideas, he would have to have an interpreter in the court where our rights, the rights of the American people, are being determined.

The scope of the questions to be determined is startling. I have not heard reference to that part of it. Article 1 says "all differences hereafter arising under treaty or otherwise." I have omitted the intervening words of description. "All differences hereafter arising under treaty or otherwise," mark you, "and which are justiciable." I have heard several definitions given to that word here. The definition of the word "justiciable" in France, or the equivalent word there, is entirely different from the definition accepted for that word in England; and in Italy it differs from both.

Now, suppose that this joint high commission of inquiry is composed of one Frenchman, one Italian, and one German. Which of those three is to determine the extent and scope of the meaning of that word? In England they have the dual system of law and equity. In France they have not; and in Italy they have a system that ignores both. I think it was assumed in the making of this treaty with Great Britain that that word would be interpreted according to the laws of England, which are not dissimilar to ours. They have a system of equity which originated in the option of the guard at the door of the King's chamber in discriminating as to who should and who should not be admitted to see the King and present his grievances. That was the origin of that system, which is termed equity. Blackstone says it is to deal with those questions wherein the law by reason of its universality is deficient and insufficient to deal with it. Anything that may be disposed of by law can not come within the jurisdiction of equity, and that is the test.

Now, that is the English rule, and if the controversy was between the English people and this Government there would be no lack of harmony in the rule that should govern. But if that was to be adjudicated by three members of the joint high commission, neither of whom was in sympathy or mental touch with the rule of equity and the spirit of equity which prevail or obtain between our country and Great Britain, then we

would have a tribunal lacking in knowledge and instinct, because when you are dealing with equity you are dealing with instinct.

When the importunities became so numerous that the guard at the King's door was embarrassed to determine the question, the King had to substitute a little higher-grade man for the man who was only a guard, and he did that because he wanted some one who would sift down these suppliants to a minimum in order that he might not be disturbed more than was necessary. By and by that guard at the door to the King's chamber sat as a judge to determine the questions for which there was no legal rule of disposition. By and by the King said, "You do not need to go to the door any more. You can go up to the chancellor's chambers or the court of chancery and sift out these things before you come to me at all."

I merely say that in regard to the subject, because it has been contended that no confusion could arise out of the interpretation of the term "justiciable." The language of the article undertakes in a left-handed way to give it an interpretation, but no one seems to be satisfied with the interpretation contained in the article itself. They all seem to feel that it is necessary to add something to it. I think they are right about that. It is necessary to add the ax to it and cut it out.

I want to read a word or two about that:

> All differences hereafter arising under treaty or otherwise and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity shall be submitted.

That was intended to be a definition of the word "justiciable."

We will next go to the tribunal. At home we have certain constitutional rights in regard to the determination of controversies affecting the persons or the property of our citizens or of persons residing within the jurisdiction of the Government. This proposes in a class of cases to remove that right, to take away the right of trial that would ordinarily ensue, and to transfer it to a foreign tribunal.

Now, in the question of the Republic of Colombia, in the question of Hawaii, in the question of the Philippine Islands, in any of those questions the tribunal would sit in Europe, surrounded by the atmosphere and the conditions peculiar to that country. Individual rights only are at stake. Our Government has no stake except its duty to protect the rights of the citizen. So that our citizen must either throw himself with perfect faith in the arms of this foreign tribunal or he must go over there and watch it as litigants do in this country. The individual is not even permitted to be represented by counsel. The right which is guaranteed to every citizen in this country is denied to him in that great controversy where, perhaps, everything is at stake. He is deprived of the right of representation before it. Some one else makes up the issue, creates the tribunal, which is not recognized by the Constitution of the United States, and says to him, "You will be taken care of, and you will not be permitted to participate in the determination of your rights."

Now, I revert to the use of the word "arbitration." It sounds pacific, but it is not pacific. It has a kindly feeling that is calculated to carry away the churches and their congregations and the good women of the land in their social organizations. They say what? "Opposed to arbitrating matters, thus saving the people from war?" I have hundreds, and I think I may say thousands, of letters criticizing my position on this matter, generally in the shape of round robins, the filling out of blanks which have been sent out from some central point, and very often with the request, "Please copy this, so that it will not be apparent that you are merely filling out a blank." I had one yesterday, in which I think only three words were spelled correctly, asking me—not asking me, but "as your constituents we demand that you vote for these things enumerated." It is safe to say that the party sending it could not read the measure and would have no more conception of the scope of the treaty, support for which he is demanding, than would a cat.

Mr. President, I think I have reached a point in my life where I will not be carried away by that kind of sentiment or deceived by those methods. I wonder how many in the congregations of the churches in this country who are making such an arbitrary demand as to the manner of the performance of a public duty have ever seen the treaty or, seeing it, would know whether it was a chapter in the Pentateuch or from the dictionary? I am not inclined to disregard an intelligent appeal from any part of the people in regard to the performance of my duty on legislative matters, but I want it to be accompanied by some evidence of intelligent consideration, which will at least suggest to me that the people know enough about it to entitle them to be heard. I use the term "entitle them to be heard." No one in this country has any license to buzz in your ear in an irresponsible way and demand that you act responsibly.

We have The Hague treaty to-day. Japan and Russia are both parties to the treaty. Over there there is forming out of the greatest mass of unformed, unorganized government the world has ever known, either in territory or in number of inhabitants, new governments—new systems of government. God only knows what will come out of that condition—whether it will be monarchs or republics or despots. Yet we are going to tie ourselves up by this treaty to deal with them under the provisions of The Hague treaty, bearing in mind always that they are entitled to the same consideration as other nations with which we have made treaties.

Some one here expressed the hope the other day that this would result in bringing in all the nations of the earth, so that the millennium would be at hand. Can any thinking man desire that we shall have a compulsory arbitration treaty with China in its unorganized state and with the uncertainty and indefiniteness that surround that situation; that we should be compelled to arbitrate our difficulty with China or even Japan?

There is much misdirected sentiment in regard to the nation of Japan. They are great imitators. They were found practically an unknown nation on the face of the earth without anything to distinguish them from what we have been pleased to term "savages"; and through their adaptability and power of imitating they have reached a point where they really look, or try to look, like American citizens—civilized people. Because a nation may be able to throw out warships and defeat one of the older nations of the earth on land or sea, it does not follow that they are to be classed in the same category or under the same mark of civilization as the people of this country.

I would not say anything derogatory of Japan or the Japanese people. But to compare them with the American people in point of civilization or commerce is without any reasonable foundation. When they have maintained a status for a hundred years we may then begin to admit them into the outer tent for investigation to see whether or not they are ready to be recognized as a criterion for the conduct of American citizens. Are we going to deal with those people on the same basis that we would deal with England?

It was said here the other day that it was certain Japan would ask for a similar treaty to that which we are now considering, and it was suggested that China would soon be in a position to ask for it, and Italy and Persia, and would we then have to select this high joint commission from the people of those nations? Just imagine the Japanese and the Turks constituting two-thirds the membership of a tribunal to determine the destiny of this country! You submit that plain unvarnished question to the American people and see what kind of an answer you will get—the right to enter our public schools with or without our consent, the right to do anything that we may do, not under our grace, but under the manifest of powers that are as much out of sympathy with us as were those from whom we wrung the freedom of the country.

I wonder what the senior Senator from Texas [Mr. CULBERSON] would think of selecting or allowing the present Government of Mexico to participate and furnish one of the members of the joint high tribunal to determine a question of controversy, vital to the interests of the people of this country or to their rights. I think he would object.

Now, as to the necessity for any such treaty, is it cowardice that prompts it, or is it patriotism? I repeat that. What prompts this effort? I say it without animadversion upon any man. Is it cowardice or is it patriotism? Is it because there are men in this country who are afraid that their money stacks will be toppled over by the foreign invader? Is it because there are men in this country who would rather have dishonorable peace than honorable war? That is what I call cowardice.

If it is not that, if that is too harsh a term, what other reason is there for it? Are there great questions pressing upon us that must be determined by either war or contract? What are they? Mr. President, no Senator has suggested, no message that has come to us has suggested, any cause for this extraordinary proceeding.

We have equipped this country with an Army and a Navy that is to-day quite equal to take care of its interests at home or abroad. Are we going to continue to build up and maintain these two great war forces if we make this treaty? Will we gain in an economic sense the cost of maintaining armies or building navies? It is not even pretended that we will.

I saw a message or a communication a few days since in one of the leading journals of the country from a Member close to the head of the executive department of the Government which said, "We do not contemplate for a moment that it will obviate the necessity of maintaining armies or building navies."

Then what do we gain? What are we going to do with these armies and navies? Are we to maintain them merely because they are workshops for labor, because they are a medium through which to disburse the funds resulting from the income of the Government, and allow the ships to rot at their docks or the Army to rest in its camps?

If the acquisition of the Philippine Islands was a good thing we owe it to the Navy of the United States, not in inaction but in action. If the island of Porto Rico is a valuable acquisition, we owe it to the Navy. If the acquisition of that great empire lying west of the Mississippi is desirable, we owe it to the Army. If the settlement of the disturbances on our border a few months ago was wise and desirable, we owe it to the Army. That was war.

Now, you are proposing to abolish these two great arms contemplated in the Constitution, with their duties defined, with the limitations placed upon their power and their duties provided for as to manner and form. Their creation was a part of the wisdom of the founders of our Government. Were they unwise? Why did they not propose arbitration? That would have left us at the mercy of the monarchies of the world in 1812. Why did they not? They were wise men. No one controverts the question that they were. Why did not Mr. Adams and Mr. Jefferson and Mr. Franklin and that great coterie of statesmen, who made and published the Declaration of Independence, arbitrate with Great Britain? Was it not wise in that day to arbitrate? They would have submitted it probably to Spain and Italy and Prussia. Prussia had not reached a point at that time where she would have been probably one of the arbitrators. What would have been the result? Would there have been a Government of the United States?

When the English blockade runner, in violation of the law of the country, undertook during our domestic troubles to enter our ports, that question would have had to be submitted to the arbitration of Great Britain and France and what there was of Germany in those days. I wonder how many votes a measure of that kind would receive in this body. I am speaking something of the effects of it aside from the principle. The principle involved would be quite sufficient to prevent me from voting for it, but to those who do intend to vote for it I desire to accompany the music of their response to the roll call with this analysis of the thing they are doing.

Mr. President, I am not going to protract this very much. I want it to be distinctly understood that the thing you are proposing to do is to write out of the Constitution of the United States the power of Congress to declare war. We would vote here either against the proposition of declaring war if the sentiment of the people demanded it, which would involve the disregard of a treaty, or we would have to observe the treaty and disregard the demand of the people.

It is not officeholders who have or are invested alone with the honor of this country. It was a wise reservation in making the Constitution to leave the question of the protection of the honor of the Nation to the people themselves and not to those who were temporarily in office. It was a wise provision. Men in office are snugly ensconced sometimes; they have comfortable salaries and honorable positions, and they feel so comfortable that they would hate like everything to have a war come along and disturb them. But the people, who are behind it and above it and under it and beyond it all, reserved to themselves the right to preserve their liberties and their Government, and they have accomplished it. Under the provisions of the Constitution the people can declare war, and the people only. A treaty between a foreign government and the United States can not enlarge the constitutional power of the United States. We have no constitutional power to take away from Congress the power to declare war. No treaty can take away that power nor could it add to the power. Our laws are made at home, and no one should participate in a law except the citizenship of the United States in the manner prescribed by the Constitution.

This treaty is drawn in such broad language, in the words that I called attention to, that the very fact of the existence of a controversy would lead to war. The first war that we would have after this treaty is adopted would be over the treaty, and instead of being a means of preventing war it would be the cause of a war. Some coterie of foreign nations, resentful in their spirit against the act of our people and our Government, would assume a position in regard to the rights of our people that would be in contravention of our rights, and we would fight them because they had undertaken to take away the rights of our people. That would be your treaty. It would be the war carpet on which the controversy would be wrestled out.

It must be conceded by most that section 3 must be eliminated, either in form or force, from this treaty. I do not recall having heard any Senator express himself to the contrary. We have pursued a policy of excluding certain aliens from this country for good cause. That is a question that might, under the terms of this treaty, be brought before this tribunal of strangers, and the rules that had been held by our courts in passing upon those questions would be overridden. For what? In order that a part of the people might sit snugly and smugly behind their accumulations, feeling that somebody else would fight their battles for them. That class of people have generally relied upon somebody else to fight their battles. The person who did the fighting would depend upon a pittance and the hope of a pension; the person for whom the battle was fought would reap the benefits of the victory and forget the agency that preserved him.

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Michigan?

Mr. HEYBURN. Yes.

Mr. SMITH of Michigan. The suggestion of the Senator from Idaho right at that point prompts me to inquire whether the so-called Platt amendment, by which the Government of the United States undertakes to exercise a certain suzerainty over the island of Cuba, might not also become the subject of international inquiry, if article 3 is to be left in the treaty as submitted. I am prompted to say this, because it is a well-known fact that we have expended millions and millions of dollars in order that that island might be free, and having enjoined upon them certain conditions for the maintenance of that freedom we have elected to say that it shall not be within the power of that sovereign State to contract any obligation that would in any way impair her sovereignty. If that question could not be inquired into by a tribunal such as is sought to be superimposed upon us by article 3, I do not know of a controversy that does come within its jurisdiction. In other words, if the Senator will indulge me, we are embarking upon a general scheme of international meddlesomeness, which begins nowhere and ends nowhere; and I make the declaration without fear of contradiction, that if we pass this treaty in the form in which it comes to us to-day there is not a Senator in this body who can tell what questions we have resolved to arbitrate with Great Britain and France.

Mr. HEYBURN. Mr. President, I started to enumerate accepted conditions that might come within the scope of this treaty, and I found my list growing so long that I abandoned it and concluded not to undertake to enumerate them all. Of course, the question suggested by the Senator from Michigan is one that would come clearly within the purview of this performance, if I may so designate it.

I would not like to see this debate close without the RECORD reciting the principle that was recognized at the beginning of our Government. We certainly must not forget that authority nor the wisdom of that period. It is fashionable in some sections of the country to minimize the wisdom and the services of George Washington. I have been ashamed sometimes when I heard in public address a reference to him as though he was a subject to be apologized for. He did not please certain people of his day who happened to be writers, and many of them spoke of him with tolerance, when, as a matter of fact, while they had been indulging in the pleasures of life and inactivities George Washington was busy mentally and physically. No man of his age was better trained mentally, better equipped mentally, to participate in the formation of a Government than George Washington. Through his familiarity with the English Government of that day he knew what to do to correct the evils that it stood for, and he knew how to do it.

Nobody ever heard of him proposing a treaty with England. He drew his sword and went into the battle, and for eight years he sustained that cause by his personal intelligence and integrity and bravery. I wish I could state all three words at once, because one is not entitled to precedence over the other. And when that battle was ended he did not go back and settle down to enjoy comfort and ease. He had furnished money to the Government to carry on the strife in its hour of need, and he went back to Virginia, and he stands responsible in history for Virginia's adoption of the Constitution of the United States. When jealousies had grown up—and I say it without any disrespect to the great State of Virginia—when jealousies had grown up in Virginia over the terms of the Constitution, it was George Washington who went back there and made a campaign from neighborhood to neighborhood, talking with his fellow citizens personally and in groups, urging upon them the necessity for action in adopting the Constitution. Yet I have heard persons sneer at him, and I have read their sneers.

Then during the time when the Constitutional Convention was in session the master minds of that convention included George Washington. He sat there presiding over the delibera-

tions of the Constitutional Convention, adding and aiding as a member of the convention by his wisdom and his experience. We owe much of the wisdom of that instrument to the conservative and wise intelligence of George Washington. And when the Government had been made, when it had been wrested from monarchy through his efforts—and I say "through his efforts" without discrediting or detracting from the credit due to every man who bore arms—when the freedom of this country from English rule was an accomplished thing, and he had taken up the question of establishing a civil government, his mind was filled with wisdom that directed and guided and controlled great men who were associated with him. .

Did you ever read his correspondence at the time the adoption of the Constitution was under consideration? I commend it to those who have not pondered it and who would slur the part that Washington took in civil affairs.

He left a message that will find a welcome and a resting place in the heart of every thoughtful and patriotic American citizen, in which he warned the people of that day, and of the days to follow, against the very thing that is proposed to be done by this treaty. I am going to close what I have to say by calling attention to a few of the things he did say. He says: "A government belongs to the people and not to office holders." There is a wisdom there that is as far-reaching as any spoken utterance of the human tongue, and that is often forgotten. He said:

Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

That is just as true to-day as it was then. That is a sign post; it is a danger signal; it is to put us on guard that we are not to mistake the flambeau for the fort, the light for the solid earth. Then he says:

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Just look to-day at the condition of things in Europe. He says further:

Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

That question is as pertinent to-day as it was then.

It is our true policy to steer clear of permanent alliances—

I am reading the words of George Washington:

It is our true policy to steer clear of permanent alliances with any portion of the foreign world, so far, I mean, as we are now at liberty to do it.

He had reference, of course, to certain undefined relations then existing with France.

It is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character.

Here we yield up our independent and sovereign right to be governed by the sense of wisdom that marks the hour of controversy because we promised somebody we would do it. Is that becoming a Nation like ours? He says:

Against the insidious wiles of foreign influence—I conjure you to believe me, fellow citizens—the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government.

They forget that we are a Republic who undertake to make a contract with a foreign nation with a different form of government, with different traditions, with different impulses. They would bind us so that in the hour of trial we might be compelled to share in perpetrating an injustice upon a lesser nation, or in joining in war with which we should have no sympathy, merely because one generation and one administration had, in their zeal to set their flag high in glory, undertaken to do something because it was odd and unusual.

Mr. President, no one who loves his country and who wants to feel that it will outlive him in the generations and the centuries that follow can look calmly on while such a humiliating contract as this is being entered into. Are we afraid to stand out in the open among the nations of the earth? Are we distrustful of the wisdom of the hour when these questions shall arise?

Do we think that the generations that will follow us will not be capable of coping with questions of the future that we should in this day attempt to hold their hands? When they discover the bands upon their wrists that we have sought to fasten there they will throw them off, and they will throw off the high opinion and the sacred memory of the generation that dared thus underestimate them or their ability to conduct the affairs of the Nation, of the American people.

I hope that this treaty will not become a law of this land. If it does, I shall pray for the wisdom of the generations that shall follow this, whose aim is rather the preservation of the principles of our Government than the ambition to be written among those who held place and were given honor by the people.

The PRESIDING OFFICER (Mr. SMITH of Michigan in the chair). The question is upon agreeing to the amendment proposed by the Committee on Foreign Relations.

Mr. WILLIAMS. Mr. President——

Mr. HITCHCOCK. Mr. President, if the Senator from Mississippi is to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Nebraska suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Curtis	McCumber	Root
Bailey	Dillingham	McLean	Shively
Borah	du Pont	Martin, Va.	Simmons
Bourne	Fletcher	Martine, N. J.	Smith, Ga.
Bradley	Foster	Myers	Smith, Md.
Briggs	Gallinger	Nelson	Smith, Mich.
Bristow	Gardner	Nixon	Smith, S. C.
Brown	Gore	O'Gorman	Smoot
Bryan	Gronna	Oliver	Stephenson
Burnham	Guggenheim	Overman	Sutherland
Burton	Heyburn	Page	Swanson
Chamberlain	Hitchock	Paynter	Thornton
Chilton	Johnson, Me.	Penrose	Tillman
Clapp	Johnston, Ala.	Percy	Townsend
Clark, Wyo.	Jones	Perkins	Warren
Clarke, Ark.	Kern	Poindexter	Watson
Crane	Lea	Pomerene	Wetmore
Crawford	Lippitt	Rayner	Williams
Culberson	Lodge	Reed	Works
Cullom	Lorimer	Richardson	

Mr. LEA. I desire to state that the senior Senator from Tennessee [Mr. TAYLOR] is necessarily absent from the Chamber.

Mr. CRAWFORD. I desire to again state that my colleague [Mr. GAMBLE] is necessarily absent.

The PRESIDING OFFICER. Seventy-nine Senators have answered to their names. A quorum of the Senate is present. The Chair recognizes the Senator from Mississippi.

Mr. WILLIAMS. Mr. President, I was not astonished to ascertain that the Senator from Idaho [Mr. HEYBURN] was opposed to either of these treaties. I rather imagined that it would distress the soul of the Senator from Idaho by any present agreement of any sort to prevent the possibility of any future controversy. I had hoped not to be compelled to speak until I had heard the Senator from Georgia [Mr. BACON], because I understand that he is going to attempt to show that there is a possibility under these treaties of the arbitration of repudiated or scaled State bonds, and as I have never heard one good reason in support of that position I had hoped that I could hear the Senator from Georgia upon it, and then to reply to what he had to say. It seemed evident, however, by his keeping his seat that we were about to proceed to a vote, and I thought there were some things that I wanted to say, especially in connection with those bonds. The other day I had prepared to speak immediately after the Senator from Massachusetts [Mr. LODGE] had sat down, but found that I could not do so.

Mr. BACON. Mr. President——

The PRESIDING OFFICER (Mr. SMITH of Michigan in the chair). Does the Senator from Mississippi yield to the Senator from Georgia?

Mr. BACON. I simply desire to say to the Senator from Mississippi that I do expect to endeavor to support that proposition before the Senate, and I hope that after I present my views the Senator from Mississippi will still have the opportunity to reply.

Mr. WILLIAMS. Mr. President, I shall go on, then, first, with the general discussion of the treaties.

It has struck me that it would be a good idea to publish the text of the Anglo-American treaty of arbitration, signed at Washington on August 3, 1911, underscoring, so that they shall be printed in italics, those parts of the treaty which are decisive of the controversies that have arisen concerning it. In that way any reader of the CONGRESSIONAL RECORD will have called to his attention the parts which have given rise to argument. I therefore ask that here in my remarks, in the forefront of what I have to say, the treaty with Great Britain shall be published in that manner. I have underscored the parts to which I refer.

The PRESIDING OFFICER. The request of the Senator from Mississippi will be taken as the sense of the Senate unless there is objection. The Chair hears none.

The treaty with Great Britain, italicized as directed, is as follows:

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being equally desirous of perpetuating the peace, which has happily existed between the two

nations, as established in 1814 by the Treaty of Ghent, and has never since been interrupted by an appeal to arms, and which has been confirmed and strengthened in recent years by a number of treaties whereby pending controversies have been adjusted by agreement or settled by arbitration or otherwise provided for; so that now for the first time there are no important questions of difference outstanding between them, and being resolved that no future differences shall be a cause of hostilities between them or interrupt their good relations and friendship;

The High Contracting Parties have, therefore, determined, in furtherance of these ends, to conclude a treaty extending the scope and obligations of the policy of arbitration adopted in their present arbitration treaty of April 4, 1908, so as to exclude certain exceptions contained in that treaty and to provide means for the peaceful solution of all questions of difference which it shall be found impossible in future to settle by diplomacy, and for that purpose they have appointed as their respective Plenipotentiaries:

The President of the United States of America, the Honorable Philander C. Knox, Secretary of State of the United States; and

His Britannic Majesty, the Right Honorable James Bryce, O. M., his Ambassador Extraordinary and Plenipotentiary at Washington;

Who, having communicated to one another their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

All differences hereafter arising between the High Contracting Parties, which it has not been possible to adjust by diplomacy, relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, AND *which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity,* shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other arbitral tribunal, AS *shall [may] be decided in each case by special agreement,* which special agreement shall provide for the organization of such tribunal if necessary, *define the scope of the powers of the arbitrators, the question or questions at issue,* and settle the terms of reference and the procedure thereunder.

The provisions of Articles 37 to 90, inclusive, of the Convention for the Pacific Settlement of International Disputes concluded at the Second Peace Conference at The Hague on 1e 18th October, 1907, so far as applicable, and unless they are inconsistent with or modified by the provisions of the special agreement to be concluded in each case, and excepting Articles 53 and 54 of such Convention, shall govern the arbitration proceedings to be taken under this Treaty.

The special agreement in each case shall be made on the part of the United States by the President of the United States, by and with the advice and consent of the Senate thereof, His Majesty's Government reserving the right before concluding a special agreement in any matter affecting the interests of a self-governing dominion of the British Empire to obtain the concurrence therein of the government of that dominion.

Such agreements shall be binding when confirmed by the two Governments by an exchange of notes.

ARTICLE II.

The High Contracting Parties further agree to institute as occasion arises, and as hereinafter provided, a Joint High Commission of Inquiry to which, *upon the request of either Party,* shall be referred for impartial and conscientious *investigation* any controversy between the Parties within the scope of Article I, before such controversy has been submitted to arbitration, and also any other controversy hereafter arising *between them* even if they are not agreed that it falls within the scope of Article I; *provided, however, that such reference may be postponed until the expiration of one year after the date of the formal request therefor,* in order to afford an opportunity for diplomatic discussion and adjustment of the questions in controversy, if *either Party* desires such postponement.

Whenever a question *or matter of difference is referred to the Joint High Commission of Inquiry,* as herein provided, *each of the High Contracting Parties shall designate three of its nationals to act as members of the Commission of Inquiry for the purposes of such reference;* or the Commission may be otherwise constituted in any particular case by the terms of reference, the membership of the Commission and the terms of reference to be determined in each case by an exchange of notes.

The provisions of Articles 9 to 36, inclusive, of the Convention for the Pacific Settlement of International Disputes concluded at The Hague on the 18th October, 1907, so far as applicable and unless they are inconsistent with the provisions of this Treaty, or are modified by the terms of reference agreed upon in any particular case, shall govern the organization and procedure of the Commission.

ARTICLE III.

The Joint High Commission of Inquiry, instituted in each case as provided for in Article II, is authorized *to examine into and report upon* the particular questions or matters referred to it, for the purpose of facilitating the solution of disputes *by elucidating the facts,* and *to define the issues* presented by such questions, and also to include in its report such recommendations and conclusions as may be appropriate.

The reports of the Commission shall not be regarded as decisions of the questions or matters so submitted either on the facts or on the law and *shall in no way have the character of an arbitral award.*

[It is further agreed, however, *that in cases in which the Parties disagree as to whether or not a difference is subject to arbitration under Article I of this Treaty,* that question shall be submitted to the Joint High Commission of Inquiry; *and* if all or *all but one of* the members of the Commission agree and report that such difference is *within the scope of Article I,* it shall be referred to arbitration in *accordance with the provisions of this Treaty.*]

ARTICLE IV.

The Commission shall have power to administer oaths to witnesses and take evidence on oath whenever deemed necessary in any proceeding, or inquiry, or matter within its jurisdiction under this Treaty; and the High Contracting Parties agree to adopt such legislation as may be appropriate and necessary to *give the Commission the powers above mentioned,* and to provide for the issue of subpœnas and for compelling the attendance of witnesses in the proceedings before the Commission.

On the inquiry both sides must be heard, and each Party is entitled to appoint an Agent, whose duty it shall be to represent his Government before the Commission and to present to the Commission, either personally or through counsel retained for that purpose, such evidence and arguments as he may deem necessary and appropriate for the information of the Commission.

ARTICLE V.

The Commission shall meet whenever called upon to make an examination and report under the terms of this Treaty, and the Commission may fix such times and places for its meetings as may be necessary, subject at all times to special call or direction of the two Governments. Each Commissioner, upon the first joint meeting of the Commission after his appointment, shall, before proceeding with the work of the Commission, make and subscribe a solemn declaration in writing that he will faithfully and impartially perform the duties imposed upon him under this Treaty, and such declaration shall be entered on the records of the proceedings of the Commission.

The United States and British sections of the Commission may each appoint a secretary, and these shall act as joint secretaries of the Commission at its joint sessions, and the Commission may employ experts and clerical assistants from time to time as it may deem advisable. The salaries and personal expenses of the Commission and of the agents and counsel and of the secretaries shall be paid by their respective Governments and all reasonable and necessary joint expenses of the Commission incurred by it shall be paid in equal moieties by the High Contracting Parties.

ARTICLE VI.

This Treaty shall supersede the Arbitration Treaty concluded between the High Contracting Parties on April 4, 1908, but all agreements, awards, and proceedings under that Treaty shall continue in force and effect and this Treaty shall not affect in any way the provisions of the treaty of January 11, 1909, relating to questions arising between the United States and the Dominion of Canada.

ARTICLE VII.

The present Treaty shall be ratified by the President of the United States of America, *by and with the advice and consent of the Senate thereof,* and by His Britannic Majesty. The ratifications shall be exchanged at Washington as soon as possible and the Treaty shall take effect on the date of the exchange of its ratifications. It shall thereafter remain in force continuously unless and until terminated by twenty-four months' written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this Treaty in duplicate and have hereunto affixed their seals.

Done at Washington the third day of August, in the year of our Lord one thousand nine hundred and eleven.

[SEAL.] PHILANDER C. KNOX.
[SEAL.] JAMES BRYCE.

I certify that the foregoing is a true copy of the original treaty this day signed.

PHILANDER C. KNOX,
Secretary of State.

AUGUST 3, 1911.

Mr. WILLIAMS. Now, Mr. President, Article I, in setting forth the differences which shall be arbitrable, confines them, as you will see from my italics, first, to "questions hereafter arising"; second, to "differences" relating to "international matters"; and, third—and remember it is "and" and not "or"—to differences which are "justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity."

Great Prince of Peace! Mr. President, is not all that confinement enough? Men are awfully particular about binding themselves not to hurt one another, and men are awfully careless about the sufficiency of the cause when the time comes where there is an opportunity to hurt one another. Attention to the quoted words italicized in the body of the treaty would have saved a great deal of trouble to those people upon the Pacific coast who have been worrying themselves about the question of mixed schools for the races. That question is not only a purely domestic one, but it is domestic in the sense that the States have entire jurisdiction over it. It is not an international question; it is not even a national question; and nothing can become international with us which has not previously somewhere or somehow been first national.

Regard to the same words would have saved much anxiety to those who are troubling themselves about the labor question in connection with Japanese immigration. The question of the admission of alien immigrants could never become an international question, although the question of the treatment of alien laborers after they have entered the country might become one, just as the treatment of Italians by the mob in New Orleans did.

Attention to the second lot of words italicized would have saved those who have been troubling themselves lest the Monroe doctrine might be arbitrated. The Monroe doctrine, as its name indicates, is an American policy or doctrine. It is not a question "susceptible of decision by the application of the principles of law or equity." The doctrine did not arise out of law or equity, and does not depend on law or equity; and no law can be appealed to to sustain or to destroy it, not even what we call international law; nor is the Monroe doctrine in itself, although some phase arising under it might be, "a question hereafter arising."

Mr. President, I have next italicized the provision of Article I which reads as follows:

As may be decided in each case by special agreement.

That is that part of the treaty which says that when a question is submitted to arbitration it shall be submitted either to the court at The Hague or else to three nationals of each disputant, as may be decided by special agreement.

I have italicized the words which show that this special agreement shall in each case do what?

Define the scope of the powers of the arbitrators, the question or questions at issue.

Those words I have italicized. Mark you, the treaty reads "in each case"; that is, in the case where arbitration comes from the decision of the joint high commission after our Executive has denied the justiciableness of the question, as well as in the case where the President or Executive has admitted the justiciableness of the question.

This is especially of importance because in next to the last clause of Article I occurs other language, which I have also italicized, reciting that—

The special agreement in each case shall be made on the part of the United States by the President of the United States, by and with the advice and consent of the Senate thereof.

The question thus presents itself: In one set of cases the President says, "This is a justiciable question." The Senate does not decide that it is justiciable; the President decides it. In the other case, the President deciding that it is not justiciable, the matter goes to a commission, which sits in arbitration upon its justiciableness. In neither case does the Senate sit in judgment upon that question, but in both cases the Senate delegates the power to another instrumentality to decide whether the question is justiciable. In ordinary cases that instrumentality is the President of the United States; in extraordinary cases that instrumentality is the joint high commission. If there be any delegation of the power of the Senate amounting to an abrogation of its prerogatives in the one case, there is an equal delegation amounting to an equal abrogation of its prerogatives in the other case. In each case the matter must come back to the Senate in order that it shall enter into "a special agreement"; and the special agreement "in each case" determines, first, whether it shall go to the court of The Hague or whether it shall go to a commission composed of three nationals of each side, and, in the next case, in this special agreement in each case the Senate fixes the scope of the inquiry and powers of the arbitrators.

All this, taken together, I think, preserves the prerogatives of the Senate. Who can imagine the United States Senate, while "defining the scope of the arbitrators" or designating "the question or questions at issue," submitting the Monroe doctrine, or any phase of it, as one of the questions falling within the scope of any board of arbitrators, no matter how the arbitral tribunal be organized, whether it be the permanent court of arbitration at The Hague or the other arbitral tribunal to be decided upon by "special agreement"? Not even a man could conceive that whose conception was strong enough to enable him first to conceive—and this is a difficult conception—of a President who would concede the Monroe doctrine to be justiciable or of two American nationals upon a joint high commission who would concede the Monroe doctrine, or any phase of it, to be justiciable.

The language about the "special agreement," the "scope of the powers," and the "question or questions at issue" is of yet more importance when you come to read the language, which I have also italicized, in Article II, reading:

A joint high commission of inquiry to which, upon the request of either party, shall be referred for impartial and conscientious investigation any controversy between the parties within the scope of Article I.

And when both are taken in connection with the subsequent language in the last clause of Article III, which is the gravamen of the objection of the Senator from Massachusetts [Mr. LODGE], to wit:

It is further agreed, however, that in cases in which the parties disagree as to whether or not a difference is subject to arbitration under Article I of this treaty that question—

That is, to wit, a question of the interpretation of the treaty, a question of whether or not the particular question is subject to arbitration, whether it is justiciable—

That question shall be submitted to the joint high commission of inquiry; and if all, or all but one, of the members of the commission agree and report that such difference is within the scope of Article I, it shall be referred to arbitration—

"Referred to arbitration," how? Mark the language immediately following:

In accordance with the provisions of this treaty.

By referring back to the language underscored in article 1 you will find that the expression "in accordance with the provisions of this treaty" means that it is to be arbitrated "either by the permanent court at The Hague or by some other arbitral tribunal, as may be decided in each case by special agreement," and that that special agreement shall "define the scope of the powers of the arbitrators" and "the question or questions at issue"; and from another clause which I have underscored in Article I it is expressly provided that "the special agreement in each case shall be made on the part of the United States by the President of the United States, by and with the advice and consent of the Senate thereof." In other words, even if all three of the American members of the joint high commission, or two of them, decide that a question is justiciable—and it is not to be conceived that they would arrive at such a conclusion with regard to any phase of the Monroe doctrine, or with regard to our undoubted right to fix the conditions for the admission of immigrants, or with regard to public schools in a State, or with regard to the payment of debts repudiated by a State—but even if all three of them, or all but one of the American members of the commission appointed by our President, who had previously come to the conclusion that this question was not arbitrable, and confirmed by our Senate—because all appointees of the President must be so confirmed and limited in the scope of their authority by us—should decide that the question was "justiciable," what would it amount to more than this: That the question would be referred to arbitration "in accordance with the provisions of the treaty"; that is, by "a special agreement made by the President, by and with the advice and consent of the Senate," just as if the question or difference about justiciableness had never arisen at all, and just as if the President in the beginning had held that the question was justiciable. The prerogatives of the Senate are saved, and the Senate has the last word. If the Senate surrender anything by leaving the commission to determine justiciableness in one case, it surrenders just as much by leaving the President to determine justiciableness in the other case. It not only has the last word, but it has the second word in the process, because the men appointed as the American commissioners are to be confirmed by the Senate, or else, if the matter is left to The Hague tribunal, that tribunal has to be constituted as the arbitral tribunal "by special agreement" made "by and with the advice and consent of the Senate."

As if doubly to guard the point, note the language emphasized in Article III concerning the functions and the limitations of the functions of the joint high commission with regard to its duties other than that of deciding a dispute of interpretation as to justiciableness. What is its authority and its limitations in these other regards? First, it is "authorized to examine into and report upon matters referred to it." For what purpose? Solely for the purpose of "facilitating the solution of disputes," first, by "elucidating the facts" and, secondly, by "defining the issues presented by the question submitted to it"; and as if trebly to guard the same point, note the language to which I call your attention in Article III, to wit:

The reports of the commission shall not be regarded as decisions of the questions or matters so submitted, either on the facts or on the law, and shall in no way have the character of an arbitral award.

Now, it is true that that language refers to the other duties of the joint high commission and not to the specific duty of deciding the arbitrableness or justiciableness of a given question, but it is persuasive. The truth is, Mr. President, the creation of the joint high commission is the most valuable part of this treaty, not because of what that commission can do, but because of what it can delay, and the provisions for it ought in no measure, in my opinion, to be emasculated. It gives cooling time, because the first clause in Article II provides that a reference to the commission, "even when requested by one of the parties," may be postponed by the other or by either for a whole year "after the date of the formal request," so as to give "cooling time," or, to use the language of the treaty, "in order to afford an opportunity for diplomatic discussion and adjustment."

Now, let us take a case. Suppose some country would want to arbitrate some phase of the Monroe doctrine or any other question that we do not consider justiciable and that our President did not so consider. Imagine a country with diplomats so ignorant as not to know the difference between a policy of hemispheric hegemony and an international question "susceptible of decision by principles of law and equity" making such a proposition! At once it would be met by the United States Government's claim that the Monroe doctrine was not "justiciable"; that is, not arbitrable under the treaty, which says that only "justiciable" questions, "international questions," and "questions hereafter arising" are arbitrable. The next step, if the other party to the treaty desired to proceed further and if it were not thus settled by "diplomatic exchange of views," would be its request under the treaty for the appointment of a joint high commission to investigate and report whether or not the Monroe doctrine is a justiciable question. Then would come the year's "cooling time," if we wished. After that, in order that the joint high commission might determine that question in the affirmative, so as to have it referred to arbitration, at least two out of the three American members of the joint high commission would have to vote that the Monroe doctrine was a justiciable question.

Now, Mr. President, I might rest this whole controversy upon the doctrine of chances, and simply say that all this constitutes

so nearly no chance at all of anything of that sort occurring that we might apply the legal maxim de minimis non curat lex to the whole controversy. I am aware that under certain circumstances the controversy might theoretically go to the regular tribunal of The Hague instead of to the tribunal of the three nationals, but you must remember that whether it goes to the three nationals depends entirely upon us and our position in the premises. We have the right under this treaty to demand in any case the tribunal of the three nationals. Without a "special agreement" made by us it could not go to any other tribunal.

Mr. President, this will be borne home a fortiori to your memories when you remember that the President appointing these three American commissioners would in such a case have previously held the question nonjusticiable and presumably would have appointed men who would hold the same way. I have a right to infer that from an ordinary knowledge of human nature. Men opposing this treaty are awfully careful about fixing conditions preventing occasions for getting into a row with one another; they are awfully careful beforehand about prescribing how not to shed one another's blood.

Can any human being, possessed of ordinary reason and a modicum of knowledge concerning the manner in which the members of the joint high commission are to be appointed, the rules governing ordinary human nature—especially as applied to Americans in connection with this question, of which they have made a fetich—and possessing a modicum of knowledge of international law, conceive that it would ever be possible that two out of the three American members of the commission thus appointed and thus confirmed would so report? Furthermore, can anybody imagine that if they did so report, the Senate of the United States would enter into the "special agreement" made necessary by the treaty "in each case," in order to specify the tribunal of arbitration and define its scope so as to include the Monroe doctrine?

Now, I am aware that the answer to that is that the Senate would then be guilty of bad faith, because it is under every moral obligation to arbitrate, but I say if the question be of such great and critical importance as to justify in the Senate's opinion war rather than to arbitrate it, we would be in no worse condition after we had agreed to arbitrate questions of another character, concluding that this did not fall within the scope, than we would be if there had been no treaty or any agreement of any description. On the contrary, we would be in a better condition. When I use the term "better condition" I mean a condition better calculated to maintain international peace.

I am willing to confess that if a case of that sort could possibly present itself to the Senate of the United States, the Senate of the United States would sweep treaty obligations and everything else to the winds and would not adopt the special agreement. I do not mean by that they would pass resolutions refusing to adopt it, either. I mean merely that they would carry it over and over from day to day and leave the matter where it previously was—subject to diplomatic disposition. But the chance of the occurrence of the contingency is so infinitesimal that to my mind it can be ignored.

A great many people in some of the States have been either giving themselves a great deal of anxiety, or have, because of ulterior motives, been attempting to arouse anxiety in the minds of others concerning the question of the submission to arbitration of the "carpet-bag" debts saddled upon the southern people during the saturnalia of reconstruction, with its rapine, fraud, and bankruptcy, and afterwards scaled by them. Two considerations would have avoided this trouble. First, that no government is called upon to submit to arbitration, under a treaty to submit "differences between the high contracting parties," any question, except it be a question constituting a "difference" between itself and the other government, or a claim against itself by that other or its national. If there be foreign bondholders who have felt outraged by the action of the States in refusing to pay fraudulent reconstruction debts, there is a difference between them and the State which refused to pay, but no difference "justiciable" or otherwise between them and the United States. There is a claim by them against the State, not the United States. You might as well talk about the United States arbitrating a claim against an American corporation or against me. The credit was extended to the State with full knowledge that the United States had nothing to do with it. Even in the case of a Territory controlled by Congress this question has been decided and adjudicated as far as an international decision can amount to an adjudication.

I want right here to take a minute or two of the time of the Senate to read from this volume which I hold in my hand, volume 4 of Moore's History of International Arbitration, wherein, on page 3608, will be found the umpire's decision in a case between ourselves and Great Britain involving the claim of holders of State bonds. The case was before a joint mixed commission. Senators who are interested in it will find the argument on both sides—the argument of the bondholders and the argument of the American representative. But here is the decision of the umpire. There are two cases. The first one I am going to read is the case of Florida. I will come to a Texas case in a minute. This was a case where Florida had contracted the debt and issued bonds while she was a Territory and when the President of the United States appointed her governor and the Congress of the United States had a veto upon her legislation. There is nowhere in any of this, even an intimation, that if the bonds had been issued by Florida while she was a State, the claimant would have thought that there was any case for arbitration against the United States. This claim is founded solely upon the idea that the United States Congress, having the veto power over the acts of the Territorial legislature and the President of the United States having the appointment of the governor and he having a veto, was responsible, because it was a party in that indirect way to the issuance of the bonds. And yet in this case the arbitrator says:

This claim has been brought before the commissioners by the holders of bonds issued by the "Territory of Florida" while it was under a Territorial government and before Florida was admitted into the Union as one of the States of the United States.

At the time of the issue of the bonds in question the Territory was governed by a legislative council chosen by the people, the governor being appointed by the President of the United States. All the acts or laws of the legislative council were required, by the law of the United States, to be laid before Congress and, if not disapproved of, they became law in Florida.

For one portion of these bonds the claimants contended that, by the right which Congress claimed to reject or veto any law passed by the legislative council of Florida, the United States Government rendered itself liable to pay the interest and principal of these bonds should Florida fail to do so.

I shall ask to have as much as I have marked published before I go to this, which I shall now read. What I was reading then was a statement of the case.

The PRESIDING OFFICER. The request of the Senator from Mississippi will be complied with unless there is objection. The Chair hears none.

Mr. WILLIAMS. The matter referred to, which immediately follows what I have read, is as follows:

For another portion of the bonds the claim on this ground was abandoned, and their claim was based on the fact that the United States had, in the session of Congress of 1843–44, admitted Florida into the Union with a constitution having the following clause in it: "No greater amount of tax or revenue shall at any time be levied than may be required for the necessary expenses of the government." (Article 8 of Florida constitution.)

The first ground of claim need hardly be treated seriously; it might as well be contended that the British Government is responsible for all the Canadian debentures, because all the acts passed by the Canadian Parliament require the sanction of the home Government before they become laws. It will be seen, however, that at the time these bonds were bought it was never imagined by the buyers that the United States were in any way liable.

With regard to the second ground of claim—that the United States by having admitted Florida into the Union as a State, with the article in her constitution above referred to, were rendered liable to pay the debts of Florida—it may be remarked that Congress could not justly refuse to admit Florida into the Union with such a constitution; there was nothing in it contrary (to) or in violation of the Constitution of the United States; Congress had only the power to fix the time of admission and reject any constitution that was contrary to the Constitution of the United States; nor does it appear that the bondholders are in any way damaged by this article in the constitution of Florida.

Now, the umpire goes on, on page 3610:

It has been urged that there is no way of getting at a State government except through the Government of the United States. This is a mistake. There is no difficulty in the way of individuals dealing with the separate States in any matters that concern the State alone. Nearly all the States have public works and contract loans with individuals, American and foreign, and any person aggrieved may petition the governor or legislature for relief. A State can not deal with a foreign government; the intercourse with foreign nations belongs to the General Government.

To show that the Florida bondholders never supposed the United States in any way responsible, attention is called to the prospectus issued by the agents for the sale of the bonds, created for the Union Bank.

Now, the prospectus I need not read. The umpire goes on, after setting forth the prospectus:

The securities enumerated in this document are four, and they were ample if honestly administered; but not the slightest allusion is made to any liability of the United States, nor is there discoverable the smallest foundation for the claim of the bondholders before this commission, which is constituted for the purpose of settling the claims of British subjects.

Now, mark the language:

Which is constituted for the purpose of settling the claims of British subjects against the Government of the United States.

Mark the language of this treaty, so nearly identical:

Differences arising between the high contracting parties—

I resume the reading—

or of the citizens of the United States against the British Government. The bondholders have a just claim on the State of Florida; they have lent their money at a fair rate of interest, and the State is bound by every principle of honor to pay interest and principal; and it is to be

hoped that, sooner or later, the people of Florida will discover that honesty is the best policy, and that no State can be called respectable that does not honorably fulfill its engagements.

But all the same they—the mixed commission—decided that the United States Government had nothing to do with those bonds. They were originally Territorial bonds, coming over from Florida as a Territory to Florida as a State. A stronger case against my contention that if the bonds had been issued by Florida as a State, because the United States are a part of the government of a Territory, having a double veto on its acts.

Now, I want to call your attention to the Texas case. This you will find on page 3594, beginning on page 3591 of the same volume.

I read from page 3594:

The umpire appointed agreeably to the provisions of the convention entered into between Great Britain and the United States on the 8th of February, 1853, for the adjustment of claims by a mixed commission—

The other day, when I called attention to this, the Senator from Georgia said it was a claim. I replied, yes; in the name *of common* sense what question concerning bonds could be submitted to an arbiter except that which was in the nature of a claim, and these repudiated carpet-bag bonds would be no less so, and no more so, than these Florida and Texas bonds were—

having been duly notified by the commissioners under the said convention that they had been unable to agree upon the decision to be given with reference to the claims of the heirs of James Holford—

He was the bondholder—

against the United States in relation to Texan bonds, and having carefully examined and considered the papers and evidence produced on the hearing of the said claim, and having conferred with the said commissioners thereon, hereby reports that this commission can not entertain the claim, it being for transactions with the independent Republic of Texas prior to its admission as a State of the United States.

Now, then, this question came up in that case: The United States had in the meanwhile, after the issuance of the bonds, admitted Texas to the Union, and they had not only done that, but had made an agreement that Texas should retain her public lands and that Texas was to pay her own debt. So the bondholders urged that those two things were a sort of condition for one another, do you not understand, and in that way the United States Government was more or less directly bound.

They made another plea, still more urgent, that the United States Government later on purchased from the State of Texas a certain disputed area and agreed to pay therefor $10,000,000, and had kept $5,000,000 of that sum in the Treasury of the United States, and they contended because the United States had the $5,000,000 in hand they ought to be accountable at least to that extent; but the mixed commission decided that the arbitration treaty was a treaty to adjust differences between the United States and the nationals of Great Britain and not between the State of Texas and the nationals of Great Britain. Now, let me go on with my argument.

If any arbitration on this question of State bonds is ever to be had, it will be by a board evoked and agreed upon by and between the respective States and the bondholders, the parties at difference. That may now be had at any time when the two—they were the high contracting parties in that case—agree to have it.

The intervention of the United States Government is not only not necessary, but would be at once absurd and insolent. Second, it is not only true amongst individuals, but it is true amongst nations that "no one can plead ignorance of the law." Every civilized nation in the world knows that this is not a government of unlimited powers, and knows that it is a government of a dual character, and that the Federal Government possesses only such powers as are delegated to it by the people in the Constitution creating it, and that it can, therefore, as a government refer to arbitration only those questions over which jurisdiction is vested in it as a government. It is true that with regard to international affairs—questions solely international—the Government of the United States is one of plenary power, but this is true only when the question is a question between the United States and a foreign power; that is, when the question is really an "international question," and one to which the Government of the United States is a party.

That is, a question between the United States and a foreign power, one to which the United States is a party. Even Great Britain in this very treaty preserves the right in case any interest of her self-governing colonies are affected, to consult them before submitting to arbitration. She had to make that reservation, because she has not admitted any rights of sovereignty in her so-called self-governing colonies; but we did not have to express it in the treaty, because we published it to the world in the Constitution of the United States, presumably known to men intelligent enough to be diplomats.

If Canada should repudiate her bonds, under this very treaty, no American citizen could secure arbitration of that question under this treaty unless Canada consented to it.

One more point. The President and two-thirds of the Senate can no more pass a treaty changing, altering, or amending the Constitution of the United States than the President and the two Houses could do the same thing by ordinary law. A treaty after all, as John Marshall said, is like any other law of the Federal Government, to wit, it is "the supreme law of the land," but only when "made in pursuance of the Constitution" of the United States; and any competent Federal court would have no hesitancy in declaring a treaty, usurpatory of Federal power, unconstitutional, just as it would declare any other law, thus usurpatory, unconstitutional; all this, even if one could conceive that the President or two out of three American nationals and the Senate by special agreement would or could agree to leave such a question to arbitration, and furthermore could conceive that the Senate would confirm arbitrators who were capable of deciding that way.

What I have said above as regards the position of the Government of the United States, if it were attempted to submit to arbitration the question of the refusal to pay State debts, is based upon the assumption that the arbitration would be made with a view to binding the State and thereby forcing it to pay a debt which the authorities of the State and the people of the State had considered fraudulent. Of course, there is a sense in which the United States Government might undertake, if it chose, to submit to arbitration the question of the payment of the amount of a State debt, and might pay it in consequence of a decision of an arbitral tribunal, but, if it did, the question would not be whether the State should pay the debt or not, nor in anywise a question of binding the State, but whether the United States, of its own free grace, would pay the debt. If they, the United States, did pay the debt, they would have no way of recovering it from the State, either by the force of the treaty, or by a subsequent act of Congress, or by process in the courts. This is all to plain to my mind. The United States Government might, out of charity, generosity, or magnanimity, with a view of purchasing friendship, or for some other free grace reason, agree by treaty to pay any nation any sum of money already gathered into its Treasury, and which therefore had already become its "property," of which it could "dispose," provided that the Congress of the United States, after the agreement by treaty to pay it, would pass a law appropriating the sum. The fact that this sum happened to be the amount of a State debt, and that that happened to be the reason why the United States Government chose to give away the sum, would not affect the right "by law" to "dispose of" money in the Treasury. This proceeds upon the theory that money in the Treasury is, in the sense of the constitutional clause, "the property of the United States" and can therefore be "disposed of" by it. It was upon that very theory, which I never regarded as too sound, that Congress appropriated money for the volcano sufferers in Martinique, for the earthquake sufferers in San Francisco, and for the fire sufferers in Boston or Chicago—I have forgotten which.

Suppose the absurdity that the Federal Government agreed to submit to arbitration the question of debts due by a State and contracted by a State, and not due by nor contracted by itself (and universally recognized not to be), how would the State be hurt? If the United States wanted, for any reason satisfactory to itself, to pay any bondholders the amount of a disputed bond of North Carolina, for example, let them do it. North Carolina, holding the debt fraudulent, neither ought to nor would repay the amount. The procedure of the United States Government would be harmless to North Carolina, even though it were sentimentally offensive.

I want the Senator from Georgia, when struggling later with this ghost, to direct his attention to that point. The United States would have no way known under high heaven to recover, and the United States Government would have no right to pay them except as a gratuity, just as it gave $20,000,000 to Spain, just as it gave a million, or whatever it was, to the Martinique sufferers; and that is an admission, for the sake of argument on my part, because I for one have always doubted whether that clause of the Constitution saying that Congress had power "to dispose of the property of the United States" applied to money in the Treasury, when it disposed of it for some purpose not otherwise specifically or inferentially contemplated by the Constitution. But the theory has been acted upon, and therefore I waive dispute of it in this case.

In the case of the United States freely and unnecessarily agreeing to pay a sum equal to the debt of a State, no power to hold the State would reside in the Federal Government. All the lawyers in the world could not conceive of any method

whereby the Federal Government could make the State pay the money back to it, unless the State had requested or agreed to the arbitration or had requested or agreed to the payment by the United States and in that way had made itself morally, if not legally, liable. I mean by that in no peaceable way. Of course, if the United States chose to collect it by armed force, I imagine it could. But that is out of the question.

It seemed to me almost unnecessary to argue this question, and yet this anxiety is being worked in many of the States with a view to creating hostility to universal peace arbitration treaties.

It seems equally plain that the question of the admission of aliens is, as it always has been considered, one of purely domestic policy, except in so far as treaty agreements exist. So long as treaty agreements exist we can be called upon to arbitrate things arising under them or the differences of interpretation growing out of them, and we ought to be required to do it.

If we of our own free will enter into a treaty obligation with any country on the surface of the earth, we ought to be willing to leave to arbitration the question whether or not we are observing that treaty. But except when there is such a treaty obligation, nobody has ever been bold enough to urge that any country did not have entire plenary control over the question of the admission of aliens to its own shores, and even when there is a treaty, the right to abrogate the treaty is always reserved in the treaty itself, and even if it were neglected to be reserved, the right to abrogate exists as a conceded fact in international law. So that upon proper notice the treaty could be abrogated if, in our opinion, the interpretation had made its operation injurious to us, and the utmost burden we would undergo would be for the short time during which the notice of abrogation was operating.

We to-day exclude Chinese without a treaty. We limit the immigration of Japanese with a treaty. We could to-morrow, if we chose, pass a law declaring that red-headed aliens should not land upon American soil for the purpose of residence. We could forget our very ancestry, if we chose, and provide that Irishmen should not come or that Scotchmen or Englishmen should not. It might hurt the feelings of the people of Ireland, or Scotland, or England, or the feelings of red-headed men all over the world; but we would be acting, unless we had voluntarily entered into treaty obligations to the contrary, within an undoubted and admitted scope of domestic policy, which could not constitute a rightful casus belli.

But the great objection made to the treaty is that there is a surrender of the prerogatives of the Senate.

Mr. President, I have not been here long enough to regard the Senate as especially sacred, except in the sense that all other American institutions are. It seems that the august body of which I am an humble member—some of the Senators talk that way—wants to make itself still more hated and distrusted than it is by standing with fine-spun, if not fancied, prerogatives athwart the way of another great and greatly desired progressive movement. I hope that the language that I have italicized in the first part of the treaty shows that the treaty itself expressly and specifically guards against this objection by the words in the next to the last clause of article 1, providing that the "special agreement" "in each case" shall be made "by and with the advice and consent of the Senate." Even when the joint high commission itself "reports" that a question is "justiciable," that does not of itself fix the character of the board of arbitration nor the scope of its inquiry, for the provision of the language is that such a question shall then "be referred to arbitration in accordance with the provisions of this treaty"; and in order to so refer it "in accordance with the provisions of this treaty" a "special agreement" "in each case" must, by the express requirement of the treaty itself, be made, and that special agreement must be made "by and with the advice and consent of the Senate." The Senate merely by failing to act could block the whole procedure. But even if such a joint high commission, with members appointed by the President "by and with the advice and consent of the Senate"—for all Federal appointments must be so made—could not only directly refer a question to arbitration as a result of its having decided that it was "justiciable" in its nature, but could define the scope of the arbitrators—which it can not—I contend that that would be no surrender of the prerogatives of the Senate, even though there might be danger to national policies, which I think I have shown to be practically imaginary. It is a maxim of law that "that is certain which can be made certain." If an arbitration treaty were entered into such as is supposed—and nobody disputes that the treaty itself must be adopted by and with the advice and consent of the Senate, two-thirds of its Members voting for it—and if that treaty provided that all "justiciable" questions should be arbitrable, and defined, as this treaty does, what questions are justiciable, and further said that in case of dispute the commission should determine the point of justiciableness or disputed interpretation, then the creation and action of the commission itself would be "by and with the advice and consent of the Senate," the only difference being that the advice and consent by a two-thirds majority of the Senate was given beforehand and not afterwards and was given in wholesale and not by retail.

It has never been disputed that the Senate can pass a treaty, submitting to a particular board of arbitration a particular question, and that the Government of the United States could be morally bound beforehand by the award. If it be not inimical to the constitutional prerogatives of the Senate to agree beforehand to submit a particular question to a specially selected arbitral tribunal, then how can it be inimical to those same prerogatives to agree beforehand to submit all "justiciable" and "international questions" "hereafter arising" to a permanent tribunal "or one otherwise" to be determined "by special agreement"? According to my poor, weak intellect, the principle in the two cases is the same. Of course, under a general arbitration treaty as under a special arbitration, if the award of the arbitration is that the United States Government shall pay money, this Government is powerless to pay it unless "Congress" shall appropriate it. But this defect is common to both schemes—special and general arbitration. Unless that part of the Constitution of the United States which says that "no money shall be drawn from the Treasury but in consequence of appropriations made by law" is changed, this will be always the case in all cases, whether particular or general, national or international.

I myself have always thought that that clause of the Constitution ought to be modified to fit cases of treaty agreements to pay. However, it has never yet in our history given any serious trouble, because when a payment of money under a treaty is so popular that the President and two-thirds of the Senate have agreed to it it has never happened, and perhaps never will happen, that there will not be for the same purpose and at the same time and for the same reasons a majority of the House of Representatives advocating it. Still, if at some time a clash of this sort should occur, after a solemn agreement by treaty to pay and a refusal by Congress to appropriate, it would leave us in a very awkward condition. I have always thought that it was one of the situations overlooked by our forefathers. To illustrate, when a Member of the House I was bitterly opposed to our annexation of the Philippines. Part of the agreement of the annexation was the payment of $20,000,000 to Spain. The question came to the House for an appropriation of the money. I took the position, as did many others, that while the treaty was an unwise one and while there was no legal obligation upon our part to appropriate, the President and the Senate having no power to bind the House of Representatives, there was a moral obligation tantamount in force in my opinion to a legal one or even superior to it, just in the same sense that debts of honor are superior to commercial debts, and that a gentleman will be more solicitous about providing for the payment of an unsecured debt where no legal recovery can be had than he would be about a secured one, for whose collection and payment the law makes provision.

Mr. President, the Senate does not here delegate a power to make a treaty. It exercises the power by appointing an agent to represent it within certain limits.

Postal agreements with other nations were referred to the other day by the Senator from Massachusetts [Mr. LODGE]. He was singularly unfortunate in his reference, because he denied that they were treaties, and he said we could fix international postal rates by statutory law in the United States. We could do no such thing, nor fix anything else to operate outside of our own domain. We have upon the contrary appointed an instrumentality for the purpose of doing that, and that is the Postmaster General with the concurrence of the President.

The Senator tried to make a distinction between a convention and a treaty. They are both agreements with some other foreign and independent power. There can be no convention between two independent sovereign nations on the face of this earth which is not in the nature of a treaty. It is absurd to say that any international postal arrangement or agreement could owe its existence simply to an American law. It is true that the American law takes care of the matter so far as the American receipt of postal dues is concerned and so far as the operation of the posts on American soil goes, but all our postal conventions have been treaties, and they have been treaties which have been negotiated in this way. In every case the Senate of the United States did not delegate the treaty-making power to the President and the Postmaster General. Congress merely passed a general law in which they said that under

certain circumstances and within certain limits the Postmaster General and the President would constitute the agency for the purpose of making these agreements. It was not a delegation of the power, but an exercise of the power through an instrumentality selected by the treaty-making power.

I go on a little further. Under the Geneva arbitration treaty, the arbitration of the *Alabama* claims, not only did the commission decide the amount of damage that was done and the liability of Great Britain for that damage, but that commission decided upon the question of its own jurisdiction, the scope of its inquiry under the treaty. The two Governments entered into a treaty in certain general terms, and the question came up before the commission as to how far it could go under that treaty, and the commission itself interpreted the treaty, just as this joint high commission is called upon to interpret this treaty.

If the Government of the United States could leave to a commission not only the power to arbitrate but the power to interpret the treaty law under which it arbitrated, why can it not leave to one commission the power to arbitrate and give another commission the power to interpret?

Mr. SMITH of Michigan. Mr. President——

Mr. WILLIAMS. In one minute. That commission met, and one of the first questions that come up—and it was a great dispute between the British commissioners and the American commissioners—was as to how far the treaty went, and the commission itself decided the question.

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Michigan?

Mr. WILLIAMS. I do.

Mr. SMITH of Michigan. The case cited by the Senator from Mississippi was a specific grant. This is a general power.

Mr. WILLIAMS. Mr. President, I know no difference between the two, specific and general, except a difference in degree. Here this is specific, but in a broader sense it is the arbitration of justiciableness of questions. That commission arbitrated a certain class of questions defined under the treaty to be settled as having grown out of the conduct of Great Britain toward the United States in the war between the States. That commission had to decide as to whether certain acts urged or sought to be urged were to be taken as being within the scope of the treaty. All this joint high commission does is to determine whether certain questions ought to be considered as being within the scope of Article I of the treaty.

Mr. SMITH of Michigan. Yet they must go to arbitration.

Mr. WILLIAMS. Yes; and after the President decides or admits that a question is justiciable we are also morally bound under this treaty to go to arbitration. It is then just as high a moral obligation as there is when the commission after dispute decides that same question.

Mr. SMITH of Michigan. But, Mr. President, we have no alternative at all if we ratify Article III. We must proceed, no matter how distasteful the duty.

Mr. WILLIAMS. We have no alternative in a case where the President admits that the question is justiciable, except such alternative as we also have when a commission decides that a question is justiciable. That is all that this commission does under the sun. The Senator may study this treaty until both he and I are more gray-headed than we are now—and we are both more gray-headed now than we were when we first met—he may study it a long time, and he can find but one thing to say, and that is that when the commission decides in a case of dispute as to justiciableness that the question is justiciable it puts things right back where they would have been if the question of justiciableness had never been raised.

Mr. SMITH of Michigan. Mr. President, for these reasons, if the President of the United States raises that question, we will never have any duty to perform; but if the question is raised, as it may be, by Great Britain, we have nothing to do but to submit to arbitration the questions at issue.

I should like to ask the Senator from Mississippi whether he believes that under this treaty Great Britain will ever ask the United States to submit to arbitration any question that the Senate of the United States would not have consented to arbitrate.

Mr. WILLIAMS. I do not know.

Mr. SMITH of Michigan. No; the Senator does not know; but we have superimposed upon ourselves a tribunal which may force the Senate and the Government against its will into arbitration which we have no power whatever to deny, no matter how vital it may be to our national life.

Mr. WILLIAMS. Mr. President, there is always a distinction between a right and a power, even a moral right and a power, between a right and a duty even, as far as that is concerned. The point I was making was that after a commission decides that a question of disputed justiciableness is justiciable it merely puts the things back in the status quo ante—that is to say, where things would have been if the President had first decided that it was justiciable. Now, I want to read the language of the treaty.

Mr. SMITH of Michigan. It is clause 3.

Mr. CULBERSON. On page 48.

Mr. WILLIAMS. This language is just as sacred as the language which follows in clause 3, saying that then the question shall be referred to arbitration in accordance with the provisions of this treaty. This language is just as sacred as the other. It is in clause 1:

> All differences hereafter arising between the High Contracting Parties, which it has not been possible to adjust by diplomacy, relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted—
>
> Shall be submitted—
>
> to the permanent court of arbitration established at The Hague by the convention of October 18, 1907, or to some other arbitral tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, to define the scope of the powers of the arbitrators, the question or questions at issue, and settle the terms of reference and the procedure thereunder.

In so far as mere language can make anything a sacred obligation that makes a sacred obligation, whenever the President of the United States does not dispute the justiciableness of a question, we are bound under the treaty to arbitrate it; and in so far it binds the Senate, and it binds it no further. After that dispute has arisen and the question as to whether or not the question falls within the scope of Article I and is justiciable has been submitted to the commission, and the commission has decided that it is justiciable, then exactly the same obligation rests upon the Senate, no more and no less.

Mr. SMITH of Michigan. Mr. President——

Mr. WILLIAMS. In my opinion the obligation rests in both cases.

Mr. SMITH of Michigan. If the Senator——

Mr. WILLIAMS. Wait one minute. It ought never to be violated except in obedience to one other law, and that is that law which has been called the first law of nature—self-preservation—the same law which entitles a man under municipal jurisprudence to kill his fellow citizen. Now I yield to the Senator.

Mr. SMITH of Michigan. The Senator answered my proposed inquiry whether, after the difference was determined by the joint high commission, we were not bound to proceed to arbitration.

Mr. WILLIAMS. We would be morally bound, in my opinion, at every hazard and at every price, except self-destruction.

Mr. President, does Congress surrender the power to legislate when it provides that the President, by proclamation, may apply one of two schedules of tariff rates to imports from a foreign country, either a maximum or a minimum scale on the arriving of a certain contingency?

Moreover, mark you, when it leaves to the President to judge of the arriving of the contingency. Congress passes a general law. It says here are two scales of duty—one maximum, the other minimum—and then it says upon the arriving of a certain contingency defined in the law the President shall put into operation whichever of these two tariff rates he thinks—the contingency having in his opinion arisen—is justified by the law. Will you contend that Congress has surrendered the power to fix tariff rates when it does that? All that Congress has done has been to constitute an agency to act for it within certain prescribed limitations.

Now, let us go a little further. In that case the President is left to interpret the law, and here the joint high commission is left to interpret the scope of the law. Does Congress surrender that power of legislation when it leaves certain customs authorities to interpret a tariff law, and in interpreting it to determine whether a given duty or another or none at all applies to a certain imported article? Does Congress surrender the power to regulate railway rates in interstate commerce when, after first declaring that rates shall be "reasonable, just, and nondiscriminatory," it leaves an Interstate Commerce Commission to fix them so that they shall fall within the law, and to interpret the law and its scope in a given case by saying that a given disputed rate is within or without the scope of a certain clause or article of the law? And yet all this joint high commission determines is whether a given question falls within or without the scope of Article I of the treaty if adopted. This joint high commission, then, is to determine whether any question falls within the treaty. In the other case the Interstate Commerce Commission is to interpret what are "reasonable,

just, and nondiscriminatory" rates and to declare and prescribe them.

Going a step further, this joint commission, after having decided that the thing is justiciable, does not sit in arbitration, and the Interstate Commerce Commission, after deciding that certain rates are just or reasonable or nondiscriminatory, then does sit in arbitration and fixes a rate which it has a right to pronounce to be just and reasonable and nondiscriminatory.

Now, gentlemen may respond, it is true, that there is an appeal from the Interstate Commerce Commission to a higher tribunal, and that in this case there is none. As to myself I hope that I may live to see the day when there shall be an international tribunal on the surface of this earth to whom appeals shall be taken. So far from wanting interested arbiters, I hope some day to see an international court of arbitration between the nations which shall be disinterested.

Gentlemen tell me that they are not willing to stand for anything which does not leave them to judge as to what shall be done—that shall not leave us to be the judge in our own case. But an international disinterested court is not in the treaty here, and I am not compelled to make that argument now. I just "throw it in sideways," as Bill Arp used to say.

Now, remember, neither the Customs Commission nor the Interstate Commerce Commission has to come back to the Congress, and remember that the Postmaster General and the President do not have to come back to the Senate.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Missouri?

Mr. WILLIAMS. In one moment. In all these cases, as in this treaty case, the special agents were acting under a general authority of law or treaty granted in advance and by wholesale. Now I yield to the Senator from Missouri.

Mr. REED. Does the Senator contend that when the Interstate Commerce Commission fixes a railroad rate it is engaged in any act of legislation?

Mr. WILLIAMS. No; on the other hand, I am contending exactly the contrary.

Mr. REED. It simply decides a question of fact.

Mr. WILLIAMS. It simply decides a question of fact which it was appointed an agent to decide. It simply decides whether a rate is "reasonable, just, and nondiscriminatory" or the contrary; just as this commission will decide a question of fact, to wit, whether the particular question is a justiciable one or not.

Mr. REED. I want to get the Senator's view as to whether he thinks there is really any parallel between the Congress empowering a board—the Interstate Commerce Commission—to decide a question of fact as to what is a reasonable railroad rate, the power existing in Congress to regulate the rate, and submitting to a board the question as to whether a certain matter is justiciable, and then following that by a further provision that when it has been determined as a fact to be justiciable, the question of the right of the matter shall be determined by another board. Does the Senator really think the two instances are parallel?

Mr. WILLIAMS. Mr. President, I would be guilty of the very grossest lack of intellectual integrity if I had been arguing for a quarter of an hour the analogy and did not believe it. Now, in the one case you leave to an Interstate Commerce Commission to determine what? Whether a given rate is "reasonable" or not. The question of reasonableness—a rather indefinite question—requires that the board shall determine very many things. In the other case, you leave to this other board or commission the determination of the "justiciableness" of a question. One is no more indefinite than the other; and in each case you leave what? Now, a treaty is a law, and therefore we must call them both laws. You leave the Interstate Commerce Commission to determine whether a given rate falls within the scope of the prohibition of the law or not, and you leave to this commission the power to determine as to whether a given question falls outside of the scope of this treaty or not.

The analogy is not only in my mind good, but it is absolutely complete. There is only one point of difference, and that arises subsequently to the transaction. It is that the opinion of the Interstate Commerce Commission may be reviewed in another court, and the opinion of this arbitral board can not, because there is no international supreme court.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield further to the Senator from Missouri?

Mr. WILLIAMS. I do.

Mr. REED. I have such a profound regard for the opinion of the Senator from Mississippi that I want to say I am not arguing these questions in an antagonistic way, but to elicit his opinion. I wanted to follow my question with this further one: When the Congress of the United States by law creates the Interstate Commerce Board and submits to it certain propositions it submits to a board of its own creation those particular propositions. Does not the Senator see any difference between a board of that kind, created entirely by an act of Congress, and a board not more than one half of which we can name, the other half to be named by our antagonist? Is there not a distinction there, and a very broad one?

Mr. WILLIAMS. Mr. President, the question of what constitutes a board is one thing and the question of the source of the creation of the board is another. The Senator from Missouri says that in the case of the Interstate Commerce Commission the board is created by our act. Yes; and this joint high commision is created by our act if we pass this treaty. The fact as to who can serve upon the commission does not affect that question. It is true that this commission is created not only by our act but by the act of another power cooperating with us, but in so far as it is created to affect us at all it is created solely by our act. Our act is a sine qua non of the creation of this commission.

Mr. REED. Not more than the other.

Mr. WILLIAMS. And it is just as much our own free-will act as the creation of a domestic commission for other purposes is.

Now, what is the general authority here in this treaty? It is the scope of Article I. What is that? "Difference between the contracting parties." I recommend that phrase to the Senator from Georgia [Mr. BACON]. It is not a difference between the State of North Carolina and somebody; it is not a difference between the Steel Trust and somebody; it is not a difference between the Senator from Mississippi and somebody; but it is "a difference between the contracting parties." It is also "international," "justiciable," and "hereafter arising."

Here are two powers of the Senate equally constitutional, one to arbitrate by special and separate act a certain difference after it has arisen, and another to bunch differences hereafter to arise and to agree to arbitrate them before they arise, defining their character under a general authority, and further agreeing to arbitrate by a prescribed tribunal a difference of opinion as to whether any particular question to arise is or is not of the character defined. That is all there is to it.

Now, which course is most for our national or for the world's welfare, to wait until we are quarreling with somebody and then try to agree upon a just method of settling the difference, or to agree beforehand in a prescribed way to settle all justiciable differences? The whole history of municipal progress answers the question. Men no longer wait until they quarrel but agree upon and by law prescribe a board to settle their differences. They constitute beforehand courts which shall settle them. It is no longer contended in municipal matters that either party ought to be a part of the court; and the time will come, thank God, some day in the future, when that will not be contended in international matters. The time has not come yet, as is proven by the arguments on this treaty, where the gravamen of objection is that we want to be always the final judge in our own case; and it is not competent or relevant to argue it now, because this treaty contemplates the old idea of each fellow having his foot on the trestle. When a man tells me he is willing to arbitrate and then goes on and refines and defines until he substantially says, "I am willing to arbitrate anything in the world in such a way that it will not be settled against me," then the man is not willing to arbitrate at all. If that is all, let us just quit the whole foolishness.

Mr. President, if nations sought as industriously for fine-spun reasons to be at peace with one another as they do for fine-spun pretexts of difference, and if they stood on as fine points of so-called honor concerning their duties toward one another as they do concerning their rights, the world would be better off.

The objection has been actually made to this treaty to-day that the United States would be surrendering some of its sovereignty, and Congress would be "surrendering the constitutional right to declare war"; yet the same Constitution which gives Congress power to declare war gives the President and two-thirds of the Senate the power to prevent war and the occasion or the necessity for war by entering into treaties. There never was a treaty entered into by the United States Government, nor by any other government for that matter, that did not waive for the nonce and, to the extent of the concession made, surrender the exercise of some sovereign power. Just as when you and I make an agreement, a compromise, I surrender some right in my opinion and you surrender some in yours and to that extent curtail an otherwise discretionary sovereignty.

Now, here are two powers equally constitutional, but the power vested in the President and the Senate to prevent war is a very much more sacred and holy thing than the power vested in Congress to declare war; but as a matter of mere

power and as a mere matter of fact and law, the fact that the President and two-thirds of the Senate have entered into a treaty does not and can not deprive Congress of this precious power to shed human blood if Congress wants to have it shed. It does deprive Congress of the right to do it under the moral law and under the law of decency amongst nations which we call international law.

Mr. President, we need not be too careful about guarding the right of Congress or the power of Congress to declare war. There will be wars enough—useless, barbarous, silly, demoralizing in their effects, as they always are and always have been; destructive of industry, destructive of family happiness; teaching bloodthirstiness, teaching rapine, sometimes teaching rape; nearly always teaching looting, which is but a form of militaristic grand or petit larceny; carrying mankind always some steps backward out of enlightenment and toward barbarity. We *will have* enough of war and pretexts for war, no matter how many treaties we have to keep the peace. This is true especially, I am sorry to say, in a popular government, because when a majority of the people "get mad through and through" they do not act from ratiocination, but from emotion, and they push and propel, by the mad and irresistible power of public opinion, their servants, too often craven and cowardly, into a course which more cool-headed and braver and better-informed men would avoid.

This constitutes the very beauty of the establishment of the joint high commission of inquiry under this treaty. Even an intelligent people under a popular government will now and then have a "brain storm" and will "see things red," especially when egged on by yellow journals seeking sensations, by political parties seeking mutually advantage, and by parties professionally interested in promotion by war or industrially interested in producing the materials of war. Hastily spoken words in high places and hastily printed utterances in one country engender like utterances in the other country. It is as if each were holding a coal of fire in his hands and the other blowing it. But a popular brain storm will not, as a rule, last 12 months, and the cooler heads in legislative and executive and financial and industrial positions, whose duty it is to stand like "sentinels on the watchtower to warn and to instruct," can within the course of 12 months make effective appeal to reason against hot passion. The popular reason is always there if time is given to appeal to it. This treaty gives, by previous agreement therein prescribed, 12 months to appeal to popular reason against popular passion.

For one, I do not desire to see this treaty emasculated by amendments. I do not mean by that that I would not vote for any amendment if it strengthened it, or if it did not weaken it, or if it did not endanger its final adoption, or if it rendered the hopes of peace under it no less great, and if it rendered the chance of war no less imminent. It seems to me it would do no harm, although it would be unnecessary, to imitate the example of Great Britain in making her reservation as to her self-governing colonies, which, however self-governing, are not sovereign in any aspect as our States are in so many aspects.

It might be done by language somewhat to this effect: "It is understood by both high contracting parties that the Federal Government of the United States has not the power nor the right under American institutions to submit to arbitration any question over which jurisdiction has not been vested in it by the United States Constitution." It would do no harm and it might do good in securing in the Senate the votes needful for the passage of the treaty, for there are honest men in the Senate and out of it who fear that under the guise of international agreement the inherent, admitted, and constitutional rights of the States may be invaded by the Federal President and Senate. I do not share that fear. I see no absolute need for the amendment, even if the fear were well grounded, because if the Federal judiciary did its duty it would pronounce a treaty of that sort "unconstitutional, null, and void," because it had not been made "in pursuance of the Constitution," just as it would pronounce any other law not made "in pursuance of the Constitution" null and void.

I have no objection to this much of the amendment of the Senator from Massachusetts; in fact, I think it would be well to adopt it:

Resolved further, That the Senate advise and consent to the ratification of the treaty, with the understanding, to be made a part of such ratification, that in any joint high commission of inquiry to which shall be referred the question as to whether or not a difference is subject to arbitration under Article I of the treaty, as provided by Article III thereof, the American members of such commission shall be appointed by the President, subject to the advice and consent of the Senate.

Already the President and the Senate have that power under this treaty. They, or either of them, can always call either for a commission of that sort, instead of the court of The Hague; but, for fear some President at some time might be a traitor to American institutions, I should like to see that much of the Lodge amendment adopted. I am going to ask at the proper time whether or not the amendment is divisible, so that I may vote upon one part of it without voting for the other.

I see nothing in the remainder of the amendment that really changes the character of the treaty, but it seems to me to be unnecessary verbiage and to incur the general danger of language too general. If, however, I can not get the question divided, I will vote for the whole amendment rather than vote against it.

Mr. SMITH of Michigan. The Senator from Mississippi recalls that the committee have an amendment.

Mr. WILLIAMS. That is the one I am talking about now.

Mr. SMITH of Michigan. No; I mean an amendment which affects the treaty. This is the resolution of ratification which shows our construction of the treaty, but the committee have proposed an amendment striking out paragraph 3 of Article III entirely.

Mr. WILLIAMS. I am opposed to that. I think if we strike out clause 3 of Article III we shall strike out the chiefly good thing about the treaty, the opportunity for cooling time. If you strike that out you have struck out everything that gives a chance for reason to get the better of passion.

Mr. President, I shall not argue some other insidious objections to this treaty. They are objections which are made in secret rather than in public; they are sent around in anonymous communications to Senators and vouched for by nobody in particular; they are based largely upon ulterior motives entertained by some few of our foreign-born citizens in the United States—not by a majority of them nor by a majority of either race of them, but by a very active and somewhat influential minority of some of them. Here is one that has come by mail with the heading: "Would lead the Republic back to England." The reasons that are given privately and for ulterior motives contain all the slush and stuff and rot and rubbish and silliness and stupidity that has been uttered about this treaty being "a treaty of alliance with Great Britain," and all that sort of thing. I shall not read this thing. It charges that the President of the United States and Andrew Carnegie have entered into an unholy alliance for the purpose of "monarchizing" American institutions and leading us back to allegiance to the British King, King George, the whichever he is numerally—I have forgotten.

There are some people who wish to use the United States Government in perpetuating European feuds for the real freedom or for the fancied benefit of European populations, and who want to see as possible instruments of that purpose as many causes of war between the United States and Great Britain left in existence as possible. Impliedly, if not expressly, in the act of naturalization, such citizens promised not to be controlled by precisely the motives by which they are now being controlled. They are acting in bad faith toward America if they do not regard their American citizenship as their first and foremost and sole allegiance—all others having been foresworn—and as superior to all other obligations existing between them and anybody anywhere else. At any rate, no self-respecting American citizen is going to permit the American Government to be used as a cat's-paw for pulling out chestnuts for other peoples, however much any wrongs done them may excite our individual sympathies.

I say that, although I go very far in the direction of community independence. I go so far that I believe any community that wants to be independent of any other existing, geographically, so that boundary delimitations can be drawn, and with comparatively unanimous solidarity of sentiment, ought to be permitted to be independent. I think the greatest achievement of these later times was the peaceable secession of Norway from Sweden, and the magnificent common sense with which the people of Sweden said: "If you think you can be happier in a separate household, go!" So I have more sympathy than most men with communities struggling against the overpowering national strength of other races and other people; but that is one question, and the question of using my Government for those purposes is another.

Then, again, without arguing it, I will mention another very curious objection to the treaty which was made to me by an educated and cultured, but very zealous and patriotic, "German-American," so called. By the way, Mr. President, I never understood "hyphenated Americanism." I know what a German is and I know what an American is, and I know what an American of German birth or parentage is, but I do not know what a German-American is, and if the hyphen means a double allegiance, then I do not comprehend it, save to fear it or to hate it. I am glad to say that most Americans of German birth or parentage agree with me, even if they are hyphenated, and when they are hyphenated they resent the idea of a double

allegiance. But to go on. This German-American said that he regarded this treaty between America and Great Britain as a "blow at Germany." He said that it "was intended to put the Kaiser in the attitude of appearing to be the sole opponent of world's peace," intended to "hold him up in that way to obloquy and scorn." I am very fond of the German people, having lived amongst them and learned to love them during a part of my educational period. I learned to love all kinds of German things and all parts of Germany. I replied, "Why, my dear sir, there is nothing in that, because the United States Government will offer precisely the same treaty in precisely the same words to the Emperor of Germany, and will not even wait for him to indicate a willingness to consider it, but will ask him, through the proper diplomatic channels, whether he is willing to consider it. It will meet him not halfway, but all the way; and, indeed, probably has already sounded him upon the subject."

I have found out since that this probability became an actuality, and that our Government is, I believe, ready to execute the treaty. Then I added, "If he is to be held up to 'obloquy and scorn' as an obstacle in the pathway of universal peace; an obstacle in the pathway of the earlier coming of the hoped-for 'parliament of man and the federation of the world'; as an obstacle to the final establishment of an amphyctionic council of the civilized world, he is the only person in the world who can so hold himself up."

Mr. President, nobody believes, as the Senator from Massachusetts intimated the other day, that we were silly enough to imagine that these treaties will secure universal peace; but war amongst civilized nations ought to be reduced to a minimum, ought, in fact, to be totally abolished, and will finally, in my hope and faith and belief, be nearly abolished, just as civilized individuals have long since learned not to take the law into their own hands, but to submit their differences to tribunals prescribed beforehand, though now and then some of us do fight. We do not as individuals or nations surrender our rights; we merely constitute tribunals to prescribe and determine them. So it ought to be with the nations of the world. Nations ought to learn not to be judges in their own cases, not to take the law into their own hands, but to establish some permanent, disinterested tribunal for the arbitration of questions arising amongst civilized peoples. This treaty does not even do that, but its greatest virtue, in my opinion, is that it is a step in the right direction. Of course, there will be barbaric and semibarbaric powers with whom it would be folly to enter into such agreements; recognizing in themselves no law but force, there would be no way of dealing with them except by force, but the white races of the world at any rate and some others have become sufficiently refined to have a horror of international "trial by battle." All are growing weary, Mr. President, of supporting out of the hard earnings of the workers the expenses of the fighters, and all are beginning to foresee national bankruptcies as the result of the stupendous competition of the peoples to "secure peace by being always prepared for war."

Soon after I went back home from the University of Virginia I met a fellow who had killed about five men and who always went armed. I said to him one night, "Jim, why do you not put that pistol up?" "Well," he said, "John, I carry this pistol all the time so as to keep the peace. Nothing keeps a fellow out of so many rows as everybody knowing that he has got a pistol in his hip pocket." It did not keep him out of them, for finally he was shot. Those who live by the pistol die by it.

Who, of all the nations and people, if not we, can or will take the initiative? Do not our traditions, our ideals, our intense democracy—which is only a phrase designating the principle of the brotherhood of man—our educational and industrial activities demanding peace and progress, ever one and inseparable, our overwhelming and acknowledged strength preventing all misunderstanding of our motives, and our almost impregnable geographical position, do not all these, trumpet tongued, designate us as chosen of God for this task?

Lord of the centuries, pardon the ages
Dark with the terror of battle and blood!
Give forth Thy light and unfold the bright pages—
Glorious era of true brotherhood.

A great Federal general once said that "war is hell." I have frequently felt that he ought not to have given himself quite so much trouble to make it more unadulterated hell than it needed to have been, but still he was right. War is hell. Another great Federal general said, "Let us have peace"; and I say, Mr. President, let us have peace and let us not be too finically nice about how we secure it, even though by wholesale and in advance or at the time the quarrel arises.

Mr. LODGE. Mr. President, I desire to ask the Senator from Mississippi a question before he takes his seat. I understood the Senator some little time ago—I did not want to interrupt him then—when he was comparing the joint high commission of inquiry with the Interstate Commerce Commission to say that there was an appeal from the Interstate Commerce Commission to the Supreme Court.

Mr. WILLIAMS. An appeal to another court, I ought to have said.

Mr. LODGE. An appeal to another court, a higher court, but that there was no appeal from the high commission of inquiry, and that that was where they differed. Did I understand the Senator correctly?

Mr. WILLIAMS. No; I said that there was no appeal from the arbitral commission. I admitted that the moral obligation to arbitrate followed the decision, but that from the decision of the arbitral commission itself there was no appeal. In international affairs each nation is, unfortunately, still its own court of appeals.

Mr. LODGE. Does the Senator speak now of the arbitral tribunal or of the high commission of inquiry?

Mr. WILLIAMS. Of the arbitral tribunal.

Mr. LODGE. Oh, the final arbitral tribunal, of course. I understood the Senator to be comparing the joint high commission of inquiry with the Interstate Commerce Commission in deciding the point of the arbitrability or justiciability of the question, because that, of course——

Mr. WILLIAMS. I see what the Senator means now. I will admit, for the sake of the argument, that its decision is morally binding.

Mr. LODGE. That the decision of the joint high commission on the arbitrability of a question is morally binding?

Mr. WILLIAMS. Yes.

Mr. LODGE. That is my view.

Mr. BACON. Mr. President, I ask whether it is the desire of the Senator from Massachusetts that we should go on this afternoon? It is now practically half past 4 o'clock, and we have been here since 12 o'clock continuously, or at least some of us, if not all. I am ready to conform to whatever the desire of the Senator may be.

Mr. LODGE. If the Senator from Georgia prefers not to go on now, I will move a recess.

Mr. BACON. I have but one objection to going on now, Mr. President, and that is that the Senate is evidently weary, and it is quite thin. I will state, in justification of many of the absentees, that I know there are some important committees in session, and Senators have been absent during the afternoon largely on that account; but if it is entirely consistent with the Senator's views I should be very glad if the Senate would take a recess until some time to-morrow, and then I will begin.

RECESS.

Mr. LODGE. I move that the Senate take a recess until half past 1 o'clock to-morrow afternoon.

The motion was agreed to; and (at 4 o'clock and 25 minutes p. m.) the Senate, as in open executive session, took a recess until to-morrow, Wednesday, March 6, 1912, at 1.30 p. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 5, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, open Thou our understanding and mellow our hearts that we may know each other better and be ready to sympathize with each other's failings, that the Christ spirit may dwell in us and love become the ruling passion of men; that the strong may help the weak, the wise the foolish, the rich the poor, the good the bad; that peace and good will may cover the earth as the waters cover the sea. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE SUGAR SCHEDULE.

Mr. UNDERWOOD, from the Committee on Ways and Means, by direction of that committee, reported the bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909 (H. Rept. 391), which was read a first and second time, ordered printed, and referred to the Committee of the Whole House on the state of the Union.

INCOME-TAX DECISION.

Mr. PALMER. Mr. Speaker, I ask unanimous consent that there may be printed as a House document the report of the

case of Flint *v.* Stone Tracy Co., in the Supreme Court of the United States, reported in the Two hundred and twentieth United States Reports, at page 107, and that 5,000 copies of the document be printed (H. Doc. No. 601).

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the decision of the Supreme Court of the United States in the corporation-tax case be printed as a public document, and that 5,000 copies be printed. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, will not the gentleman include in that request the printing of the two opinions of the Supreme Court in Pollock *v.* Farmers' Trust & Loan Co. on the income tax of the Wilson bill, and have all three printed together?

Mr. PALMER. The report of the Pollock case has been printed as a document, if not by the House by the Senate. I do not think it would be wise to put them all in the same pamphlet.

Mr. MANN. The opinions are not available now as a document. I think it would be wise to have them in one pamphlet. They relate to the same subject matter.

Mr. PALMER. Hardly to the same subject matter. I admit that both are important in connection with present legislation. The gentleman means the opinions upon the original hearing and upon the rehearing?

Mr. MANN. Yes.

Mr. PALMER. Then, Mr. Speaker, I will modify my request and include in it the complete opinions in the income-tax cases in the One hundred and fifty-seventh and One hundred and fifty-eighth United States Report upon the original hearing and upon the rehearing, both the opinions of the court and of the minority by the several justices who dissented.

The SPEAKER. The gentleman from Pennsylvania modifies his request so as to include all the opinions of the court in the original hearing and upon the rehearing, both the majority and the dissenting opinion. Is there objection?

There was no objection.

QUESTION OF PERSONAL PRIVILEGE.

Mr. CLARK of Florida. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Florida. Mr. Speaker, the Washington Post of this morning contained an article which I send to the Clerk's desk to have read.

The Clerk read as follows:

WILL DEFEND FLORIDA—GOV. GILCHRIST HERE TO ANSWER EVERGLADES CHARGES—DECLARES MATTER IS A PLOT—ASSERTS THAT RAILROADS OF THE WEST ARE BEHIND ALLEGATIONS THAT THE HOUSE COMMITTEE IS INVESTIGATING—WILL REPLY TO REPRESENTATIVE CLARK—SAYS HIS STATE IS AROUSED.

Gov. A. W. Gilchrist, of Florida, arrived in Washington yesterday and lost no time in making known his desire to be heard by the Committee on Expenditures in the Agricultural Department in the matter of the charges made against the proposition to reclaim the Everglades of his State. He says the people of Florida are aroused by charges made by Representative FRANK CLARK that the reclamation of 4,000,000 acres of swamp land is only a scheme to further the interests of a coterie of land corporations.

"I came to Washington," Gov. Gilchrist said, "to let the committee know the true state of affairs.

PUTS BLAME ON RAILROAD.

"In my opinion the attacks are instigated by the railroads of the West, who wish to have this great immigration to Florida stopped. They are naturally anxious to not only keep their own people at home, but to have other immigrants come to their country. Naturally with the influx into our country the western railroad interests are being diminished.

"The last census shows that Florida's increase in population was 42.1 per cent, second to no State east of the Mississippi. The value of the Everglades and the feasibility of the drainage and the healthfulness of the country have been admitted by all who have visited the section.

QUOTES REPRESENTATIVE CLARK.

"I am at a loss to understand or account for the attacks made upon the Everglades by Representative CLARK. From what I have been told, he has never seen them. When the congressional committee, on its way to Washington from Key West, stopped off at Fort Lauderdale to visit the Everglades, it is said that Representative CLARK'S boat reached the cypress swamp that borders part of the eastern edge of the Everglades, when Mr. CLARK, addressing the committee, said:

"'Gentlemen, here are the Everglades. You see what they are. This is all there is to see. Let us go back, as I have an engagement with Mr. Flagler at Palm Beach.' And toward Palm Beach his boat was turned immediately. From the citizens of Fort Lauderdale I have the information that Representative CLARK never did reach the Everglades.

"I am confident that the investigation in progress will prove his charges to be unfounded. Just what his motive was in bringing them I know not, but I can say they are a mistake."

Mr. CLARK of Florida. Mr. Speaker, I regret very much to be compelled to ask a little of the time of this House to say something upon this most remarkable emanation. The Committee on Expenditures in the Department of Agriculture of this House is engaged in making certain investigations. They are examining witnesses in an honest endeavor to ascertain the facts. I have been content to wait until the facts have been submitted to that honorable committee, and until that committee had made its report to this House so that the House might be in possession of all the facts and could take such action as could properly come within its jurisdiction and was right.

But the governor of my State fearing, I suppose, that the two Senators from Florida and the three Representatives in this House were incapable of taking care of the interests of the State has seen fit to journey all the way from Tallahassee to Washington, as he says, to "defend Florida." Now, Mr. Speaker, if I were really making an attack on my State or any of the interests of my State, surely the two gentlemen who sit at the other end of the Capitol and my two distinguished colleagues on this floor would take care of the interests of that State without the interposition of the governor. But the governor comes, and forthwith, without waiting to appear before the committee and under oath give testimony, proceeds to get into communication with a newspaper reporter and issues this remarkable manifesto.

Mr. Speaker, let me say, in the first place, that people may wonder what motive is actuating me and why I began or undertook to put on foot this investigation. I will tell you. In October last year there appeared an article in the Washington Times in which it was stated, in substance, that a certain valuable official document of the Department of Agriculture had been suppressed, that document being a document dealing with the Everglades of Florida; that in some mysterious manner the report of the engineers who had made a survey of the Everglades had disappeared, and the circular letter which had been prepared to give information to inquirers all over the country had suddenly been suppressed.

The article went on to say that it had been learned that this circular letter was suppressed at the instance of former Senator Taliaferro of Florida, and myself, and that we had gone to the Department of Agriculture and had brought influences to bear in that department which succeeded in suppressing this important official document; that we did that at the instance of the Florida East Coast Railroad Co., a corporation in my State, owned and controlled by Mr. Flagler; that Senator Taliaferro and myself were under the control of this railroad company; and that we exercised this influence which they said we had over this great department to suppress this document at the instance of the railroad company, which railroad company, the article stated, owned large areas of land in that territory which it wanted to sell, and if the Everglades were drained and the land put upon the market they would come in competition with the holdings of the Florida East Coast Railroad Co. In other words, Mr. Speaker, that Senator Taliaferro and myself were simply the tools of the railroad company, owned by them, and that we had to do their bidding; that we did it and had this document suppressed.

Knowing that to be absolutely false so far as I was concerned, I at once proceeded to have an investigation. I wrote the Secretary of Agriculture and demanded to know of him if I had ever approached him along the line of securing the suppression of any documents in his office. He answered me that not only had I not, but that his understanding of my position was that I had always insisted upon the publication and distribution of the document, contending that the people of this country had the right to the information contained in it. Later on I found that Senator Taliaferro had made no such request. I knew, Mr. Speaker, that the Secretary had informed me in the presence of witnesses that this circular letter had been suppressed by him at the instance of the persons engaged in selling the Everglades lands.

I knew that I had not asked him to suppress it. All admit now that I made no request for its suppression, but on the contrary always insisted upon its publication. So, Mr. Speaker, when that charge vanishes into thin air it remains for the governor of Florida—God pity the State—to travel all the way to Washington and put in public print the intimation that I am now acting at the "instigation of the railroads of the West."

Mr. Speaker, from my place I brand that intimation as a base, vile, uncalled-for, deliberate falsehood, whether it comes from the governor of the State of Florida or anybody else. He says "the people of Florida are aroused by charges made by Representative FRANK CLARK that the reclamation of 4,000,000 acres of swamp land is only a scheme to further the interests of a coterie of land corporations." Mr. Speaker, I have never made any such charge. The statement that I have is a base fabrication, without the warrant of one scintilla of truth. I have always said, Mr. Speaker, that I was not opposed to the drainage of the Everglades as a work of internal improvement. I have been opposed, I am now opposed, I shall continue to be opposed to the outrageous exploitation of those lands by a lot of conscienceless land sharks, to the disgrace of my State and to the thievery of millions of dollars [applause], and if I have

not enough honest voters in my district to stand by me in electing me to Congress upon an honest platform like that, God knows I do not want to be here. [Applause.]

By the way, the governor of my State, before he was governor, was interested in some land exploitations not in the Everglades, and it may be, Mr. Speaker, that "a fellow feeling makes him wondrous kind." He has exploited land, and it may be that the governor's great heart goes out in warm sympathy for these people exploiting the Everglades; and they are exploiting them, let me tell you. Only yesterday one of the most prominent citizens of my district, living on the edge of the Everglades, told me that he saw not long ago in a paper called the Florida Home Seeker, a picture of a negro and a mule and a plow standing in the tall grass, almost covered with its luxuriant growth. It appeared to him in the picture as a broad prairie. The negro was holding the handles of the plow just as though he was ready to start a furrow. This gentleman told me that in his little town he saw the photographer who took that picture, which was in the literature of one of these shark companies. That photographer told him that the negro and mule and plow were on a flatboat, pushed out into the tall grass, and that he, the photographer, sat in a rowboat when he took the picture. [Applause and laughter.]

That is the character of performance that I am protesting against. For the honor of my State I am fighting such conduct as that. [Applause.] Listen to this:

MIAMI, FLA., *February 24, 1912.*

Hon. FRANK CLARK,
Washington, D. C.

DEAR SIR: I am inclosing you a circular letter sent out by one of the Everglade companies and received by me over a year ago.

I bought contracts from this company upon the direct representation that the lands at that time were ready for cultivation. If not found so upon investigation my money was to be refunded. It was not.

The inclosed "bunk" was sent through the mails with the fraudulent intention of deceiving purchasers into believing these lands fit to plant, while, as a matter of fact, it was still under water. Go for them.

Very truly, yours,

J. N. RANDALL.

Mr. Randall came there from Long Beach, Cal. So they have gone all over this country. They have bled everybody, they have stolen, they have robbed men and women in all of this land. They have made homes unhappy, they have depleted the little savings of working people right in this city, and yet the governor of my State says that when I attack these thieves and plunderers I am making an attack upon Florida. God help Florida if that is true. [Applause.] But, Mr. Speaker, the insinuating part of this article lies here. Gentlemen are all around me who were on the trip coming back from Key West. Gentlemen are right here who stopped at Lauderdale, and they know what took place. They know that we only had an hour and a half to stop there, distinctly understood. Call on my friend, Mr. PADGETT, of Tennessee, or some of these other gentlemen, and let them tell you how some of these land sharks got charge of some of the faster boats on which were Brother PADGETT and a lot of others, and how they ran miles up the river and kept them over four hours, and one of them deliberately told PADGETT, "CLARK never would come to look at these Everglades. We have got you fellows and you have got to see them. We have shanghaied you."

Mr. BATHRICK. Will the gentleman permit a suggestion?

Mr. CLARK of Florida. Certainly.

Mr. BATHRICK. Is it not a fact some of the gentlemen upon that boat that went up the Everglades were carried to a farm known as the Davie farm, in the Davie ditch section——

Mr. CLARK of Florida. I believe so.

Mr. BATHRICK. And is not it a fact that after all these representations respecting frost in Florida where the representatives of these companies had stated this section was below the frost line—is it not a fact about the 7th or 8th of February of this year all the vegetables upon that same Davie farm were destroyed by frost?

Mr. CLARK of Florida. I do not know.

Mr. BATHRICK. I will say that it is true.

Mr. CLARK of Florida. Mr. Speaker, the governor says, so this reporter says, and I presume he reported it correctly—my experience with newspaper reporters in Washington is that they generally get a fellow pretty straight, and I apprehend that the governor said it—that when we had gotten up to a certain point that I said:

"Gentlemen, here are the Everglades. You see what they are. This is all there is to see. Let us go back, as I have an engagement with Mr. Flagler at Palm Beach," and toward Palm Beach his boat was turned immediately.

That is absolutely untrue, not that I disclaim association and acquaintance with Mr. Flagler. I am not a groundling. I am not ashamed to acknowledge the acquaintance and the friendship of a man who has builded a glorious country out of what was a wilderness before. [Applause.] But this little pinheaded governor [laughter] thought it would hurt me politically in my district to associate me with Mr. Flagler. That is why he drew in the name of Mr. Flagler. He thought that would cost me some votes. But he is mistaken. The intelligence of the constituency of the second congressional district of Florida averages much higher than the intelligence of the governor of Florida. [Laughter and applause.] "I am confident that the investigation in progress will prove his charges to be unfounded." What were my charges? Simply this and nothing more. I said that a certain circular letter on the subject of the Everglades sent out by the department was suppressed. I said that the Secretary told me that he suppressed it at the instance of persons engaged in selling Everglade lands.

Then I asked the committee to ascertain who those people were and why this document was suppressed. I will prove everything I have said by testimony that even the governor of Florida, with his limited ability to weigh facts, will be able to discover establishes the truth of the charge. Ah, Mr. Speaker, I have made no fight upon this project. I have not said that the lands were good or bad. I do not know. The only thing I have contended against is this conscienceless exploitation of these lands, making misrepresentations, and publishing and circulating deliberate falsehoods in reference to them.

Mr. AKIN of New York. Will the gentleman yield?

The SPEAKER. Does the gentleman from Florida yield to the gentleman from New York?

Mr. CLARK of Florida. Yes, sir; for a question.

Mr. AKIN of New York. I wanted to make a statement in regard to a letter which I received a few days ago from a gentleman who is now down in Florida investigating the Everglades as to purchasing some land. He said that while down there he met a gentleman from Iowa who had bought some of this Everglade land by mail, and had come down there to see it, and he made this remark: "I have bought land by the section; I have bought land by the acre; I have bought land by the foot; but, my God, I have never bought land by the gallon." [Laughter.]

Mr. CLARK of Florida. Mr. Speaker, the governor undertakes to put me in the attitude of attacking the interests of my State. Gentlemen upon this floor who have been here during my term of service know that I have never lost an opportunity to paint the beauties of that fair State and tell in my humble way of her charms. [Applause.] I have done all I could to represent her faithfully and well. Whenever her fair fame has been attacked I have always come to her defense. The governor of Florida by this silly and untruthful attack can not injure me among the people, because they know it is false. In spite of him, in spite of the land thieves, for whom he speaks, the intelligent, honest democracy of that district, unless I mistake the signs of the times, will again express their confidence in me by sending me back to this great body. [Loud applause.]

And I shall continue to stand for honest dealing as I see it. I shall condemn those things which I believe reflect upon my State and my people, and I shall advocate those things which I believe will inure to their good and preserve their honor. [Applause.]

If standing for honesty, if standing for right, if standing for truth is to defeat me, then I do not want a seat here or anywhere else. If I can not hold a commission from an honorable constituency upon an honorable basis, I would prefer to go back home, and, if need be, settle on some beautiful little spot alongside of one of our lovely lakes and spend my time among the yeomanry of that district, who are my friends, and aid them in making "two blades of grass grow where only one grew before."

Mr. Speaker, I have in this transaction simply denounced wrong. I have simply inveighed against dishonor. I have simply denounced theft. No man can make me believe that when I am doing that I am bringing discredit upon my State. I stand for Florida first. I love the State, her people, and her interests. When I shall go down to rest it will be in her bosom, in her generous soil, among the people who have been so good to me, and I shall sleep in the sands of that great State, whose people I know do not approve or indorse dishonor and theft. [Applause.]

INVESTIGATION OF STEAMSHIP LINES.

Mr. HENRY of Texas. Mr. Speaker, I offer the following privileged resolution of the Committee on Rules.

The SPEAKER. The gentleman from Texas offers a privileged resolution from the Committee on Rules, which the Clerk will report.

House resolution 425 (H. Rept. No. 392).

Resolved, That the Committee on the Merchant Marine and Fisheries be, and is hereby, empowered and directed to make a complete and thorough investigation of the methods and practices of the various steamship lines, both domestic and foreign, engaged in carrying our over-sea or foreign commerce and in the coastwise trade and the connection between such steamship lines and railroads; and to investigate whether

such ship lines have formed any agreement, conferences, pools, or other combinations among each other or with railroads for the purpose of fixing rates and tariffs or of giving rebates, special rates, or other special privileges or advantages, or for the purpose of pooling and dividing their earnings, or for the purpose of preventing or destroying competition; also to investigate as to what method, if any, is used by such shipping lines, foreign or domestic, and railroads to prevent the publication of their methods and practices in the United States; also to investigate and report to what extent and in what manner any foreign nation has subsidized or may own any vessel engaged in our foreign commeree; also to investigate and report to what extent any ship lines and companies engaged in our foreign or coastwise or inland commerce are owned or controlled by railway companies, or by the same interests and persons owning or controlling railroad companies; and said committee shall further investigate whether the conduct or methods or practices of said foreign steamship lines are in contravention of our commercial treaties or in violation of our laws, and what effect said methods and practices have on the commerce and freight rates of the United States; and shall further investigate what effect such combinations, agreements, and practices of railroads and our coastwise and inland shipping lines or of railroads and over-sea shipping lines, whether domestic or foreign, if any are found to exist, have on the commerce *and freight* rates of the United States, and whether the same are in violation of any law of the United States.

SEC. 2. That said committee shall report to the House all the facts disclosed by said investigation, and what legislation, if any, it deems advisable in relation thereto.

SEC. 3. That said committee, or any subcommittee thereof, is hereby empowered to sit and act during the sessions or during the recess of Congress at such place or places as may be found necessary, and to require the attendance of witnesses, the production of books, papers, and other documents, by subpœna or otherwise, to swear such witnesses and take their testimony orally or in writing.

SEC. 4. That said committee is hereby authorized to employ such counsel and experts and clerical and other assistance as shall be necessary to perform its duties hereunder.

SEC. 5. That the Speaker shall have authority to issue subpœnas for witnesses, upon the request of the committee, during the recess of Congress in the same manner as during the sessions of Congress.

Mr. HENRY of Texas. Mr. Speaker, I do not know that any debate is necessary. Does the gentleman from Pennsylvania [Mr. DALZELL] desire time?

Mr. DALZELL. Mr. Speaker, I do not desire to debate the resolution. I quite approve of it. It is not a new subject, as a similar resolution was before the Committee on Rules in the last House, and while the text of this resolution was somewhat changed, I think it has been changed for the better. I have not any doubt from the various hearings by the committee, both in the last Congress and in this, that it is proper there should be such an investigation.

Mr. HENRY of Texas. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 13570. An act to amend an act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May 30, 1908.

NATIONAL DRAINAGE CONGRESS.

Mr. DUPRE. Mr. Speaker, I ask unanimous consent to insert in the RECORD, in connection with the remarks which I made yesterday, submitting an invitation to this body to attend the sessions of the Drainage Congress shortly to be held in New Orleans, certain extracts included in a telegram received from the New Orleans Board of Control of that Congress. [Applause.]

The SPEAKER. The gentleman from Louisiana [Mr. DUPRE] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Following is the telegram referred to:

National Drainage Congress will voice desire of entire country for adoption by Federal Congress of a broadly constructive policy of reclamation by drainage and river regulations. There is no intention to ask the Federal Government to drain any man's land. Drainage Congress will ask that Federal Government survey all wet lands, solve interstate problems, furnish adequate drainage arteries into which local drainage may flow, and so regulate the flow of navigable rivers as to conserve their water and prevent destructive floods. In all of the factory towns of the East and North there is now an overcongestion of food consumers. Drainage Congress will give great impetus to drainage, to the canalization of the Ohio River, to the building of the Lake Erie and Ohio River ship canal, and to flood prevention. The millions of nonproducers congested in manufacturing centers deplete the country population. High cost of living results, because consumers increase faster than producers. That condition may be reversed by enormous increase of food production from 24,000,000 acres of land to be reclaimed in Arkansas, Missouri, Mississippi, and Louisiana alone. Louisiana's 10,000,000 acres of alluvial lands will produce more than a billion dollars' worth of food every year. Cheap water transportation will exist from every farm in Louisiana to every seaboard city. Complete Lakes to Gulf waterway, canalize Ohio River from Pittsburgh to Cairo, and build Lake Erie and Ohio River ship canal, and food from Louisiana's winter garden farms can then go by water to the large interior manufacturing centers.

NEW ORLEANS BOARD OF CONTROL,
NATIONAL DRAINAGE CONGRESS.

AGRICULTURE APPROPRIATION BILL.

Mr. LAMB. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18960, the Agriculture appropriation bill, with Mr. BORLAND in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18960, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913.

Mr. LAMB. Mr. Chairman, when the committee rose on March 2, it had under consideration the paragraph on page 21, line 18, "For the investigation and improvement of sugar-producing plants, including their utilization and culture, $30,795," to which there was pending an amendment offered by the gentleman from Texas [Mr. GARNER]. I think this matter was discussed fully pro and con, and all I have to submit now for the information of the committee is what Dr. Galloway said in detailing his projects along this line. After treating of the work touching beet-sugar culture, he says:

This comprises a study of sugar-cane diseases, of problems affecting maple sap in connection with the Vermont Experiment Station, and a small amount of work on sorghum. The necessity of concentrating the efforts of the office force on the more urgent problems and the difficulty experienced in securing a competent pathologist for the sugar-cane investigation have led us to mark time on this group of projects. Considerable work has been done on the maple-sap problem. In the coming season no increase has been asked for in these projects. The policy will be to push the work on sugar-cane diseases more actively next year if a trained man can be secured.

There you have the judgment of Dr. Galloway as to the necessity for this extension of the amount for this sugar project, and I am willing to submit it to the House on what has been said, unless my friend from Texas [Mr. GARNER] wishes to speak further.

Mr. RODDENBERY. Mr. Chairman, I could not catch quite the entire language of Dr. Galloway in regard to the investigation of diseases of the sugar-cane plant. Does he assert that this appropriation is adequate for the investigation of the current year?

Mr. LAMB. He said it would be the policy to push the work on sugar-cane diseases more actively next year if a trained man can be secured; the fact being, as he states it, that he has not at present a trained pathologist in this business to prosecute it successfully now, and he wants to mark time, so to speak, to use his own language.

Mr. RODDENBERY. Does the gentleman infer from that that the investigation of diseases of sugar-cane plants this year must of necessity be limited?

Mr. LAMB. Exactly. He has $37,000, you know, and he is employing part of that; and he says he does not expect to do much this year, but to delay to another year.

Mr. RODDENBERY. His intention is to make such investigation as he can this year?

Mr. LAMB. That is what I understand.

Mr. RODDENBERY. And the appropriation is adequate for that purpose?

Mr. LAMB. Yes.

Mr. GARNER. Mr. Chairman, I would like to say a word to the committee on this amendment for the benefit of gentlemen who were not here last Saturday. The sole purpose of this amendment is to establish experiments in the Rio Grande Valley, in the State of Texas. I am not going to take the position in the House that Dr. Galloway is incapable of finding a man qualified for doing this work, because if I took that position I would be compelled to take the position that Dr. Galloway himself is not the man fitted to conduct the business of the Bureau of Plant Industry, and I do believe he is the man best qualified to carry on that work in the United States.

When anyone undertakes to convey the idea to this House that you are unable to find a man in the United States to carry on this work, it seems to me it is perfectly ridiculous. For instance, this bill does not take effect until July, 1912, and runs along until July, 1913. The object of this amendment is to secure sufficient funds to experiment with cane and beet sugar in the Rio Grande Valley, a new country, with a new soil, new

climatic conditions, with irrigation projects such as you have not in the Middle West or in Louisiana. In other words, it is an entirely new situation. I submit for the benefit of the committee that the manner in which these experiments have been made has been unfair. I quote from a statement prepared by the Bureau of Plant Industry with reference to this work. It is now being carried on at two points in Colorado, one in Wisconsin, one in Kansas, one in Georgia, and I do not doubt but what the Rio Grande Valley will produce, in the next year or two, more sugar than either State that I have referred to. And it does seem to me, out of the $30,000, some experiments, some demonstration work, some opportunity may be had, that the small farmers in the valley may have the same assistance and the same consideration that the beet growers of the West and the South have had.

Mr. Chairman, I ask for a vote on the amendment.

Mr. MONDELL. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 21, lines 19 and 20, strike out the words "thirty thousand seven hundred and ninety-five dollars" and insert the words "fifty thousand dollars."

Mr. MONDELL. Mr. Chairman, the Secretary of Agriculture has informed us that there are within the continental boundaries of the United States at least 274,000,000 acres of land that are adapted to the cultivation of the sugar beet. In addition to that I think it is the opinion of those best informed that there is an area of not less than 12,000,000 to 15,000,000 acres adapted to the cultivation of sugar cane, or more than 10 times the area on which sugar cane is now cultivated. The gentleman from Texas [Mr. GARNER] has just eloquently explained to the Committee of the Whole what a vast area there is in his district that could profitably produce sugar cane.

Of the total consumption of sugar in the United States, amounting, in 1910, to 3,350,355 tons, we produced in this country 333,006 tons of cane sugar and 457,000 tons of beet sugar. It would not be necessary to utilize one-twentieth part of the land which is fit for the growing of cane and sugar beets in the United States to produce all of the sugar that we consume. It is estimated that there is invested in the beet-sugar industry of the country something like $100,000,000. The probability is that we have a still larger investment in the cane-sugar industry. Yet these two industries produce less than 800,000 tons out of the 3,350,000 tons which we consume. So here is an opportunity for building up a domestic industry which will call for an additional investment of at least $600,000,000.

Mr. AUSTIN. Will the gentleman permit an interruption there?

Mr. MONDELL. I yield to the gentleman.

Mr. AUSTIN. I should like to ask the gentleman what effect the proposition to put sugar on the free list will have on the development of this industry?

Mr. MONDELL. Of course it will wipe out the industry we now have and will prevent any further extension of it, but I am not assuming that sugar is going on the free list. The election of a Republican President and House of Representatives will prevent that.

Mr. LEVER. Do not be too sure about that.

Mr. MONDELL. I am discussing this matter just as though the catastrophe that seems now to impend will not be realized. As a matter of fact, I am inclined to the opinion that if the gentlemen on the other side had the opportunity at this time to put upon the statute books the legislation they propose, and upon which they have taken caucus action, they would hesitate a long time before they would do it.

We have an opportunity to enlarge the sugar industry to an extent that would require the investment of at least half to three-quarters of a billion of dollars and give employment to at least 100,000 American citizens.

That is the opportunity presented to us in the extension of the sugar industry in cane and in beet; and it seems to me that in view of the importance of this industry, in view of its great value to the country, we should expend a larger sum than is provided for in the item now before us, and that $50,000 would be a very small sum to expend in making the investigation that would lead to the extension of this important industry.

In the State which I have the honor to represent on this floor we have at least a half million acres of land that are suitable to the cultivation of the sugar beet.

[The time of Mr. MONDELL having expired, by unanimous consent he was given five minutes more.]

The great State of Colorado, to the south of us, no better land, no better climate than we have, has 17 sugar-beet factories. The State of Montana, to the north of us, has one large sugar-beet factory. Nebraska, to the east, has two factories, and the three factories that I have last referred to all receive a large proportion of their sugar beets from Wyoming.

We have long been looking forward to the time when the sugar-beet industry would be extended in our country. A number of years ago the Government undertook to aid the development of the arid West through the national reclamation law. We have expended approximately $60,000,000, and between $25,000,000 and $30,000,000 are available when needed for extension of that work. These great irrigation projects, or a number of them, depend for their success very largely on the opportunity afforded for the cultivation of sugar beets and the manufacture of beet sugar. We deliberately undertook this great national work and dedicated to it the income from the public lands, with the understanding that the progress and prosperity and success of these enterprises largely depended on the extension of the beet-sugar industry.

Of course, we realized then, as we realize now, that this industry is dependent upon a protective tariff; that it is absolutely impossible in a temperate climate and with the American wage, under American conditions, to produce cane sugar in competition with the peon-grown cane sugar of the Tropics.

No man whose opinion on the subject is worthy of consideration will claim for a moment that it is possible to maintain under the American flag within our continental confines a cane-sugar industry in free competition with the cane-sugar industry of Java or Borneo or Cuba. That being the case, we understand the still more difficult conditions surrounding the sugar-beet grower. It is scarcely necessary to refer to the fact that the beet-sugar industry is absolutely dependent on a protective tariff. Even in Germany, where the average wage paid to the workers in the field is just about a third, or a little more than a third, of that in our Northwest, where the average wage in the factory is less than half that paid in American factories, the industry would be wiped out if it were not for the protective tariff which guards it. How much more is that tariff essential to our development? [Applause.]

Mr. MANN. Mr. Chairman, the current appropriation law carries $32,355 for the investigation of sugar-producing plants, including their utilization and culture. The bill under consideration carries $30,795. The gentleman from Texas [Mr. GARNER] has offered an amendment increasing that amount by $5,000, and I understand the gentleman from Wyoming [Mr. MONDELL] has offered an amendment increasing it to $50,000. I am somewhat interested in the position of the gentleman from Texas. A short time ago we had under consideration a proposition to make a slight increase in the appropriation for the investigation and the establishment of standards of cotton; when the vote came before the House the gentleman from Texas rallied the Democratic hosts from the nooks and corners and brought in a large aggregation of gentlemen who had not heard the debate who voted against the amendment and succeeded in defeating it. Then the gentleman from Indiana offered an amendment to provide an appropriation for the investigation of diseases of corn; and again the gentleman from Texas rallied the Democratic Members out of the by-ways of the Capitol and succeeded in defeating that amendment. Then the gentleman from Tennessee offered an amendment to increase slightly the appropriation for the investigation of the improvement of tobacco, and so forth, and the gentleman from Texas rushed to the corridors and lobbies and rallied the Democratic Members who had not heard the debate, although on this occasion he did not succeed in defeating the amendment.

On every proposition that has come up, until sugar was reached, the gentleman from Texas has performed the onerous duty of rallying the Democratic Members to stand with the committee.

It only illustrates how we are all influenced more or less by local considerations. I do not know who the committee have selected now to rally the Members on that side of the House to support the committee against the amendment offered by the gentleman from Texas [Mr. GARNER], but I suppose somebody will bring in the Speaker and the chairman of the Committee on Ways and Means from their private rooms to stand by the committee now as the gentleman from Texas did upon the other amendments.

Mr. Chairman, one of two things is quite certain. If the Democratic proposition for free sugar is to prevail, we ought either to strike out the entire provision for this item or else increase it. I am inclined to think that if the Democratic proposition for free sugar prevails no sum of money appropriated for the investigation of sugar-producing plants will be of any very great avail, and yet even with that threat in our face I would not be willing to abandon the possibility of so increasing our capacity for the production of sugar by the

improvement of sugar-producing plants that I would be willing at this time to strike out the appropriation. I hope the gentleman from Texas, having now worked himself up to the point where he is willing to increase the appropriation by $5,000, to be used in his district in Texas, will go along the line a little further and support the amendment proposed by the gentleman from Wyoming [Mr. MONDELL], so that the appropriation can be increased for the benefits of other parts of the country. Certainly the gentleman from Texas is not desirous of increasing it by merely $5,000 to be expended in his own district in Texas. Surely he will be willing to increase it enough so that they can maintain an experiment station in the State of Wyoming and in other places where we can produce sugar beets, in the hope that the Republicans may somewhere along the line prevent the destruction of the industry through the passage of the bill reported into the House this morning.

Mr. LAMB. Mr. Chairman, the gentleman from Wyoming [Mr. MONDELL] is always listened to attentively by this House, and for that reason I did not object and was perfectly willing for him to have five minutes longer in the hope that he would give us some more scriptural illustrations and speak as a preacher, as he usually does in this House. His amendment is just exactly five times worse than the amendment of the gentleman from Texas [Mr. GARNER].

Mr. MONDELL. Mr. Chairman, will the gentleman yield for a little Scripture right there?

Mr. LAMB. Certainly; we need some.

Mr. MONDELL. This may not be literally correct, but is practically so: "He who forgetteth his own household is worse than an infidel." [Laughter.]

Mr. LAMB. "He who faileth to provide for his own household." I am not much of a preacher, but I can correct the gentleman sometimes on Scripture. [Laughter.]

Mr. Chairman, the same reasons that apply to refusing the amendment of the gentleman from Texas [Mr. GARNER] to increase this appropriation by $5,000 apply with five times greater force to the amendment offered by the gentleman from Wyoming.

I would not take the time, if I had it, to make any reply to my genial friend from Illinois [Mr. MANN], who has always got something to say about the action of the Democrats. Let me tell you, my friends on both sides of the Chamber, that it makes no difference to me, having charge of this bill, whether an amendment comes from a Member on this side or upon that side of the aisle. [Applause.] I shall consider it, and I think this committee will, upon its merits, and not with a view of whether it is offered by a gentleman on one side or the other of the two contending parties in this country.

Mr. RUCKER of Colorado. Mr. Chairman, will the gentleman yield?

Mr. LAMB. Yes.

Mr. RUCKER of Colorado. I want to know if the department made any recommendation concerning this appropriation for this purpose?

Mr. LAMB. Mr. Chairman, I am very glad that the gentleman has asked that question. If I were to answer in full these other gentlemen I would refer to that, and perhaps I would better do it now. If this were of such magnitude as to require the attention of these gentlemen, and if my friend from Wyoming was looking after his own household, as Scriptures enjoin, why did not he and they come before the committee and have the matter investigated? No more was asked in the estimate. We gave all that the department asked in this matter, and I have quoted to you to-day what Dr. Galloway has said about this project.

Mr. RUCKER of Colorado. Will not the gentleman from Virginia pardon the department, as well as the gentleman from Wyoming and myself, upon the theory that we did not anticipate that there was going to be a free-sugar bill brought into this House any more than did the gentleman from Virginia?

Mr. LAMB. My friend knows just as much about what that free-sugar bill is going to amount to as I do.

Mr. RUCKER of Colorado. I have no doubt that we will not disagree about that.

Mr. LAMB. It is not in the equation.

Mr. RUCKER of Colorado. That legislation will fatten the refineries and impoverish the beet people. Mr. Chairman, I want to submit just one word to the gentleman from Virginia in behalf of the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The beet-sugar industry is the one that needs this education—that is, the grower of the beet. Now, the gentleman from Texas, with his $5,000—if he wants that expended down there—is not entitled to any consideration whatever, for the reason that the cane-sugar business is as old as the history itself, whereas the beet-sugar industry—the kind of seed to use, the kind of soil to plant it in, the kind of cultivation to make of the plant—is entirely new and growing in importance every day; and if this country, which only produces one-third of the sugar consumed by the American people, expects ever to get any additional sugar grown in this country or manufactured, it must be from beets.

Mr. GARNER. Will the gentleman permit me to interrupt to make a statement to the gentleman from Colorado. I know the gentleman does not want to be unfair. They are growing sugar beets in the Rio Grande Valley. It is a new territory, and there they are testing both cane and beets; and for the gentleman to say that the appropriation I have suggested is not to be considered, when it should be considered in fairness to both sides, seems to me perfectly ridiculous.

Mr. RUCKER of Colorado. I did not so understand the gentleman.

Mr. LAMB. The gentleman has taken me off my feet, and if it had not been that the gentleman is an old soldier I would not agree to it. However, he looks too young to be a soldier. I desire to say that two-thirds of this money is used for this beet culture.

Mr. RUCKER of Colorado. I understand; and if there were fifty thousand more——

Mr. LAMB. Yes; but——

Mr. RUCKER of Colorado. And if this fifty thousand were appropriated, it would be two-thirds of that. I am sure that if the gentleman will call up the Secretary of Agriculture, he will recommend $50,000 for that purpose.

Mr. LAMB. Let us proceed now——

Mr. RUCKER of Colorado. I am going to vote for the amendment of the gentleman from Wyoming.

The CHAIRMAN. The question is upon the amendment to the amendment offered by the gentleman from Wyoming.

Mr. MANN. I ask to have the amendment reported.

The Clerk read as follows:

Page 21, lines 19 and 20, strike out the words "thirty thousand seven hundred and ninety-five dollars" and insert the words "fifty thousand dollars."

Mr. MANN. That is the amendment to the amendment. I asked to have the amendment reported.

The CHAIRMAN. The amendment which was reported by the Clerk was the amendment to the amendment. The Clerk will report the amendment.

The Clerk read as follows:

Page 21, line 19, strike out the word "thirty" and insert the word "thirty-five."

The CHAIRMAN. The question is upon the amendment of the gentleman from Wyoming to the amendment offered by the gentleman from Texas.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. RUCKER of Colorado) there were—ayes 54, noes 46.

Mr. LAMB. I ask for tellers, Mr. Chairman.

Tellers were ordered.

The committee again divided; and the tellers (Mr. LAMB and Mr. MONDELL) reported that there were—ayes 67, noes 59.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question recurs upon the amendment of the gentleman from Texas as amended.

The question was taken; and the Chair announced the noes appeared to have it.

Mr. MANN and Mr. GARNER. Division, Mr. Chairman.

Mr. MANN. This vote is on the amendment as amended, precisely the same proposition is now being put.

The question was taken; and there were—ayes 46, noes 56.

Mr. MANN. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. LAMB and Mr. MONDELL) reported that there were—ayes 57, noes 61.

So the amendment as amended was not agreed to.

Mr. GARNER. Mr. Chairman, I desire to offer an amendment. I move to strike out "thirty," in line 19, page 21, and insert "thirty-six."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 21, line 19, strike out the word "thirty" and insert in lieu thereof the word "thirty-six."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. GARNER. Division, Mr. Chairman.

The committee divided; and there were—ayes 8, noes 27.

So the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

After line 20, page 21, insert the following:

"To enable the Secretary of Agriculture to meet the emergency caused by the continued spread of the chestnut-bark disease by continuing the study of the nature and habits of the parasitic fungus causing the disease, for the purpose of discovering new methods of control, and by putting into application methods of control already discovered, $80,000, or so much thereof as may be necessary, of which $20,000 shall be immediately available. And the Secretary of Agriculture is hereby authorized to expend said appropriation in such a manner as he shall deem best, in cooperation with the authorities of the States concerned or with individuals; and to pay all necessary expenses for the employment of all investigators, local and special agents, experts, assistants, and all labor and other necessary expenses, including rent, in the District of Columbia and elsewhere, as may be required: *Provided*, That of this sum an amount not exceeding $10,000 shall be used in the study of the relation of insects to the chestnut-bark disease."

Mr. LAMB. Mr. Chairman, I reserve a point of order on that, but if my friend from Pennsylvania [Mr. MOORE] will allow me to make a statement of two minutes I think he will withdraw his amendment.

We have already a provision in this bill for the chestnut blight, and in addition to that we have a bill before our committee on which we are perfectly willing to hear the gentleman from Pennsylvania at any time, to make a separate, distinct, and independent provision for this, as we did for the Mediterranean fly.

Mr. MOORE of Pennsylvania. I thank the gentleman for that statement. Of course, there is a great deal of interest in this question. I realize that the gentleman can make a point of order, but I thank him for having reserved it in order that this statement could be made, and I also thank the gentleman for having given the assurance that this question may again be heard by the Committee on Agriculture.

Mr. LAMB. Mr. Chairman, I insist on the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, before the gentleman does that I certainly would like to have five minutes, which, of course, I can get by moving to strike out. The gentleman will save time by allowing me that amount of time.

Mr. SHACKLEFORD rose.

Mr. MOORE of Pennsylvania. I will tell the gentleman from Missouri [Mr. SHACKLEFORD] the same thing.

Mr. SHACKLEFORD. Mr. Chairman, there are so many bills here that are dragging, and we are wasting so much time, that I make the point of order against this amendment.

Mr. LAMB. I think we will save time by reserving the point of order.

Mr. MOORE of Pennsylvania. So do I.

Mr. SHACKLEFORD. I do not want to interfere with another gentleman's committee, but I think we are wasting much time here. I will withdraw the point of order, however, at this time.

Mr. FITZGERALD. The point of order is not withdrawn, it is reserved.

Mr. MOORE of Pennsylvania. Mr. Chairman, all I desire now is to present this matter under the five-minute rule. I am not going to argue the point of order, but I wish to say that I sit here patiently during the consideration of a bill of this kind and listen to other gentlemen present claims in behalf of matters that affect their States, and I think if I am willing to do my part to assist those who desire to stop the ravages of the boll weevil, or who seek to investigate other questions affecting animal or plant life or the chemistry of the soil, and so forth, they ought to stop to consider a matter of importance to at least 10 States. The chestnut blight is as serious as is the boll weevil. It started somewhere in the vicinity of New York about 1904. It has now progressed over at least 10 States and is moving toward the South and toward the West. It is estimated that up to this time the loss of chestnut timber has amounted to over $25,000,000. Surely this is a matter that ought to have some attention and consideration from this House. One State may make an appropriation with a view of stopping the progress of this tree disease, as Pennsylvania has done, but if one State has jurisdiction only within the limits of the State, and the disease is passing over its lines, it is reasonable to ask that the Government of the United States, with its greater authority, step in and help a movement to check it.

My amendment was intended, Mr. Chairman, to have the Government aid in stopping the ravages of the chestnut blight. I realize it is subject to a point of order, but my purpose in introducing it at this time was to ascertain whether any provision had been made in this bill for investigating the blight. I question whether any adequate provision has been made on the part of the Government, but I am satisfied with the statement of the chairman of the committee that in due course the Committee on Agriculture will take this matter up and give it due consideration, and I thank him for that assurance.

I withdraw the amendment.

The CHAIRMAN. The gentleman from Virginia [Mr. LAMB] insists on his point of order. The point of order is sustained.

The Clerk read as follows:

For taxonomic investigations and the study of methods for the improvement of grazing lands, $20,000.

Mr. RAKER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California.

The Clerk read as follows:

Amend by inserting, on line 21, page 21, after the word "taxonomic," the following words, "and agrostological."

Mr. LEVER. Mr. Chairman, on that I reserve a point of order.

Mr. RAKER. Mr. Chairman, the only purpose of this amendment is that the examination or investigation now provided for under the appropriation, $20,000, taxonomic, is simply to classify the plants. Now, we want plants to grow on these public ranges. We have in the neighborhood of 130,000,000 acres, and we want the department, with this amount of money, to study the best kind of plants that will grow there and study the growing of plants, not the mere classification.

I called the attention of the department officials to this matter, and they seemed to think it would be a good amendment. They think they could do it by studying the growing and the method of growing instead of merely the classification. I hope the committee will accept this amendment. It does not add anything to the amount at all. It simply gives the department an opportunity to study the growth of the plants on these public ranges.

Mr. LAMB. It seems to me, Mr. Chairman, that the Chief of the Bureau of Plant Industry, in summing up what he does under this provision, provides exactly for what my friend from California wants. His statement covers four or five pages here, and I do not want to take the time to read it. A point of order has been made against the amendment, and I ask for a ruling on the point of order.

Mr. RAKER. I hope the gentleman will not make the point of order. This amendment will give the department the power to do what they ought to do, and yet expend no more money.

Mr. LAMB. We hold that the department will do that without the amendment.

Mr. RAKER. If that is so, my amendment will do no harm; it will make it plain and give full authority to act.

Mr. LEVER. Mr. Chairman, let me say to the gentleman from California that the department has been doing the very work he would have it do. They have been doing it for years and years all over this country. One division of this department is devoted to that very work. I insist on my point of order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Mr. Chairman, what is the point of order? This amendment is to study grasses. Is that subject to a point of order? It is one of the very purposes in the creation of the department.

Mr. LEVER. I concede that the amendment offered by the gentleman from California is not subject to a point of order. I reserve it, however, on the amendment.

Mr. RAKER. This is a question that ought to be considered. We apply to the department for investigations, and they return the answer that there is no provision in the bill by which they can make certain investigations. Now, I understand from the chairman that they have made this same kind of investigation. If that is the case, they have made it without any authorization of law. Why not permit this to be amended, to put it in shape so that when a request is made and when their attention is called to the matter and they desire to go out and make thorough investigations as to the growth of the plants and the kind and character of the plants that ought to be grown on these public ranges they can do so and not confine this item simply to the mere purposes of classifying the plants and grasses, but extend its scope for the purpose of getting forage, for the purpose of having vegetation grow upon those ranges for the use of which the permittees are now paying hundreds of thousands of dollars to this Government? The Government ought to be ready and willing to do this work, and this committee ought to be ready to vote favorably on the amendment.

Mr. KENDALL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Iowa?

Mr. RAKER. Yes; I certainly do.

Mr. KENDALL. Was I correct in understanding the gentleman to say that this amendment was submitted to the department and approved by it?

Mr. RAKER. I will say to the gentleman that I consulted with one of the officials of the department, and he said the amendment ought to go in.

Mr. KENDALL. I understand the gentleman from South Carolina [Mr. LEVER] to say that this work has been carried on for years?

Mr. LEVER. Yes. Here is a statement of Dr. Galloway, in which he says that work under this head consists of an investigation of economic grasses and other plants. I want to say further that perhaps the first year that I was elected to Congress Dr. Spillman, in charge of farm management work, which is carried in the bill in the next item, went through my district with his experts to teach my people what kind of grasses are best adapted for growing on our soil, and I understand the department for years has been doing this very work. The item at the foot of this page used to be called for the "Office of Agrostology," showing that the very character of work that the gentleman has in mind is now being done by the department and has been done by it for years.

Mr. RAKER. Will the gentleman permit a question?

Mr. LEVER. Yes.

Mr. RAKER. The question of taxonomics has absolutely no relation on earth to the growth of plants, if you give it a proper definition. The question is, if by putting one word in there we can give the department the right to study the method of the growth of plants, and by that study we can increase our public ranges, ought we not to do it?

Mr. LEVER. Why load up the bill with unnecessary verbiage?

Mr. RAKER. It is only putting in two words, which will give the department the authority.

Mr. MANN. Will the gentleman yield for a question?

Mr. RAKER. Yes.

Mr. MANN. The gentleman takes the word "taxonomic," and seems to consider that that is the whole paragraph. Does not the gentleman consider that the study of methods for the improvement of grazing lands includes the study of grasses or anything that would come under the term "agrostology"?

Mr. LAMB. Not only so, but he says so here.

Mr. RAKER. The study of methods of improving grazing land is not a study of the plants grown upon the land.

Mr. MANN. Why, certainly. How else could he improve it?

Mr. RAKER. He can examine the soils, he can examine the climate; but we want him to examine the plants that the man pays for when he gets a permit to go on the ranges.

Mr. MANN. But we can examine them under this provision.

Mr. LAMB. Here is what he says under one of his projects:

An inquiry into the best methods for the natural reseeding of overgrazed ranges.

Mr. RAKER. That is in another provision.

Mr. LAMB. It is under this very taxonomic treatment. I asked him to give me a statement of all these projects, and every project is under this head, right down here. There is so much of it that I would not burden the RECORD with it, but it answers the gentleman's question. There is no necessity for this. They are doing it now.

Mr. RAKER. Will the chairman of the Committee on Agriculture permit me to ask him this question?

Mr. LAMB. Certainly.

Mr. RAKER. If by virtue of a few words you can make the language so specific that when the officers come to consider this question of the investigation and examination of the land for which the people are now paying this Government hundreds of thousands of dollars for rent and for range purposes, ought we not to make the language so specific that they can not say, "Oh, well, it is not provided for in this act and we can not consider it"? Why not make it plain? Why not make it specific, so that we who are paying hundreds of thousands of dollars for these public ranges may get some of the benefit of it?

Mr. LAMB. Because the suggestions for language in the bill must come from the department.

Mr. RAKER. I know; but they have not a monopoly of all the language there is.

Mr. LAMB. It is to be assumed that they know what they are doing.

Mr. RAKER. There are a few words remaining in the dictionary that they have not used there.

Mr. LAMB. They have used so many that there ought not to be any more inserted.

Mr. MANN. Which does the gentleman think would be the more intelligent, Members of Congress or others?

Mr. RAKER. Members of Congress. Others are intelligent also.

Mr. MANN. Is the appropriation for the improvement of grazing lands or for the study of agrostology?

Mr. RAKER. The study of the improvement of grazing lands.

Mr. MANN. But the study of the improvement of grazing lands necessarily carries with it a study of the methods of improvement, and the principal method is the study of the grasses or forage plants.

Mr. RAKER. They do not thus apply it.

Mr. MANN. They do thus apply it.

Mr. LEVER. Undoubtedly they do.

Mr. LAMB. I ask for a vote.

The CHAIRMAN. The point of order has been withdrawn. The question is on the amendment of the gentleman from California [Mr. RAKER].

The question being taken, the amendment was rejected.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RUBEY having taken the chair as Speaker pro tempore, a message from the Senate announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 19238. An act to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the Judiciary," approved March 3, 1911.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 3211) authorizing that commission of ensign be given midshipmen upon graduation from the Naval Academy.

AGRICULTURE APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

To investigate and encourage the adoption of improved methods of farm management and farm practice, $186,020.

Mr. McLAUGHLIN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 21, lines 25 and 26, strike out the words "one hundred and eighty-six thousand and twenty dollars" and insert in lieu thereof the words "two hundred and fifty thousand dollars."

Mr. McLAUGHLIN. Mr. Chairman, this amendment, if adopted, will make available $250,000 instead of $186,020, an increase of about $65,000. I offer the amendment with some reluctance because I am a member of the Committee on Agriculture and a member also of the subcommittee upon whom devolved the work of preparing the final draft of the bill we are now considering.

Since the organization of the Department of Agriculture scientists, investigators, and experimenters have been at work gaining information to assist in better agriculture in this country. Acts of Congress have been passed to assist agricultural colleges in similar work. But there has been a lack of appropriation, a lack of means for carrying results of these investigations to the people in such a form that proper or reasonable use could be made of them. The acts of Congress providing appropriations for agricultural colleges to assist them in their work for the establishment of experimental stations actually forbids use of money so appropriated outside of the agricultural colleges themselves.

Mr. TRIBBLE. Will the gentleman yield?

Mr. McLAUGHLIN. Yes.

Mr. TRIBBLE. The gentleman's amendment is for the purpose of establishing demonstration stations?

Mr. McLAUGHLIN. It is to pay salaries and expenses of men to go from the Department of Agriculture to come into actual contact with farmers to show them better methods of farm management, and assist them in better cultural methods and the improvement of agriculture.

Mr. TRIBBLE. That is for farm demonstration?

Mr. McLAUGHLIN. Farm demonstration and farm management. There is some difference between farm demonstration and farm management, but although I have heard that difference described a number of times, I admit that for some reason I have been unable to understand it. I think they are so similar that one may be very properly taken for the other.

It has been said by presidents of agricultural colleges and the representatives of those colleges that have appeared before the Committee on Agriculture to urge appropriations of this kind that there are now in the Department of Agriculture in this city information and secrets of one kind and another, gained by investigators, that if taken to the farmers of this country and put up to them in such a way as to make it available agricul-

ture will be revolutionized. We are met with the statement that the department is doing something to get this information to the people, and it is insisted that the information has been made available. We are pointed to the fact that bulletins covering these different matters have been issued and that the department is sending out men to take part in institutes and to lecture to the people, disclosing the secrets and information that the Government has gathered at great expense.

But you know, without being told by me, that these bulletins, many of them, are over the heads of the ordinary farmer; that he is unable to understand as he ought to understand the lectures given by these experts, and the only way information can be brought to the farmers of this country in such a way that a proper use can be made of it is to send the experts to the farmer himself.

[The time of Mr. McLAUGHLIN having expired, at the request of Mr. KENDALL, and by unanimous consent, he was given five minutes more.]

The only way by which the information can be taken to the farmers so that they can make proper use of it is by the expert going directly to the farmers themselves, and, as has been done in some parts of the country, teaching them better cultural methods and better farm management.

The Department of Agriculture has issued a map showing where its agents are located, many of them doing this very work. I would ask the attention of this committee to that map. It will be seen that the work is done largely in the States in the South, where it has been found more necessary, perhaps, than in the North, on account of the ravages of the boll weevil. I would not say one word against the necessity of that work or the character of the work. It has been necessary, it has been well done, it ought to be continued, and the appropriation providing for it, if changed at all, should be increased.

I do not call attention to the map for the purpose of discrediting or in any way reflecting unkindly on the work that is being done in the South or upon the discretion of the Secretary of Agriculture in sending so many and such a large proportion of his men to the South. For instance, in South Carolina, as I count the number of men as indicated on the map, there are more than 40 agents and representatives of the Bureau of Plant Industry instructing the people in farm management and farm demonstration. In Virginia there are about 35, in North Carolina 35, in Georgia 55, in Alabama 56, in Mississippi 50, and in Texas 100. In the State of New York there are 3, and New York is a great agricultural State. When we read the story of agriculture as it is and has been carried on in the State of New York we are impressed with one feature, one chapter, which tells of deserted farms. Evidently there is need there of assistance and teaching in farm management. In the State of Pennsylvania there is 1 agent of this bureau. In the State of Ohio there are 2, in Indiana none, in the State of Illinois 2, and in the State of Michigan 1. And I may say that when I went, a short time ago, to the chief of the bureau and asked for men to go into my State of Michigan to carry on this kind of work he said that there was a lack of money and it was very doubtful if we would be able to do anything along that line. The committee has of its own accord increased this appropriation about $42,000, as I remember the figures, but the chief of the bureau tells me that that will pay the expenses of only 14 men, because the expense of each man is about $3,000, and that he has hundreds and hundreds of requests from different parts of the country. When he scatters those 14 men who would be added to the number over the entire United States, if he puts them all in the North, it will be seen that we will not then have anything like our fair proportion.

I will continue to read the allotment to the States of the North. In Wisconsin there are 2; Minnesota, 1; Missouri, 2; New Jersey, 1; Iowa, 2; Kansas, 4; Nebraska, 3; and Maine, 1. That is as far as I have gone, Mr. Chairman, in looking over this map and counting the number of stations that the department has located in States of the North.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN. Certainly.

Mr. MANN. The gentleman stated that the cost of these men is about $3,000 per man, but he has already enumerated enough men to more than make it at the rate of $1,000 per man. According to the appropriation, there is only $142,000 appropriated, and the gentleman has enumerated 55 men in one State alone.

Mr. McLAUGHLIN. Many of these men are paid out of the appropriation made by the next paragraph, at the top of page 22, for the study and demonstration of the best method of meeting the ravages of the cotton boll weevil.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Michigan may be extended for five minutes.

Mr. LAMB. Mr. Chairman, we will never get through if we keep on at this rate.

Mr. MANN. Oh, the agricultural bill is taking no longer this year than it has always done.

Mr. LAMB. I do not know about that.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Michigan be extended for five minutes. Is there objection?

There was no objection.

Mr. McLAUGHLIN. Mr. Chairman, many of the men in the South—and I was about to say all of them, but I am not sure of that—are paid wholly or in part out of the appropriation for the study and demonstration of the best methods of meeting the ravages of the cotton boll weevil, for which there is carried in this bill the sum of $332,960.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN. Yes.

Mr. HUMPHREYS of Mississippi. The gentleman mentions salaries that are paid to the 50 men in one State and the hundred in another, and so forth. Are those salaries entirely paid by the Federal Government, or is it not a fact that a number of those men have their salary supplemented by the localities and the General Education Board?

Mr. McLAUGHLIN. That is true in some cases. A part of the salary of these men is paid, as the gentleman from Mississippi says, in that way.

Mr. HUMPHREYS of Mississippi. And the gentleman does not mean that each man costs the Government of the United States $3,000?

Mr. McLAUGHLIN. It is about $3,000 a year for salary, traveling, and other expenses of the representative.

Mr. HUMPHREYS of Mississippi. I know in my own State it is quite general that the counties employ men and as a rule pay half and sometimes three-fourths of the salary, the other being supplemented either by the fund provided by the General Education Board or by the Government.

Mr. WICKLIFFE. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN. Yes.

Mr. WICKLIFFE. I would like to state in that connection that the State of Texas is paying $50,000, Arkansas $40,000, the State of Alabama $34,000, and other States various other amounts which I will not enumerate, making a total sum, which, together with the funds from other sources, amounts to practically the same as the amount appropriated by the National Government in the next paragraph, and my colleague on the committee, the gentleman from South Carolina [Mr. LEVER], says amounts to a thousand dollars more. I am referring to the next paragraph respecting the boll weevil, since the gentleman has gone into it.

Mr. McLAUGHLIN. Mr. Chairman, it is true——

Mr. HAUGEN. What did I understand the gentleman to say the amount expended in Texas was?

Mr. WICKLIFFE. Now $50,000; $46,000, I think, last year.

Mr. McLAUGHLIN. Many of the States of the South have contributed, as the gentleman from Louisiana says; but, notwithstanding that, a very large part of these appropriations is used in the South. Now, I have said I would not refuse that money, but if I were to make any change in the appropriation I would increase it so that the splendid work carried on in the South might be continued and even extended. When we learn of the development in the South—the wonderful results, entirely satisfactory—it justifies this Congress in the appropriations it has made, and I wish to have it distinctly understood that I would not cast a reflection upon the bureau for spending money in that way nor upon gentlemen upon this floor who have asked for the use of money for that purpose. I am simply asking for an increase of appropriation so that some other section of the country, needing it almost as badly, may have more of the work done there. As an illustration of the need of this work in the States of the North I want to tell you a little story that was told before our committee by the dean of the agricultural department of the University of Wisconsin, which he received from Prof. Hopkins, professor of soils in the department of agriculture of the University of Illinois. I had read it in Prof. Hopkins's book, "The Story of the Soil," but did not know until Dean Russell repeated it that it was an actual fact. I thought it was simply a story. The soil department of the university sent experts into a portion of Illinois to make experiments and to give demonstrations. The work accomplished was wonder-

ful, and Prof. Hopkins tells about an old gentleman who came with his family——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LAMB. Mr. Chairman, the gentleman has had 15 minutes, and I insist now that the time is passing; and I want to be frank——

SEVERAL MEMBERS. Let him finish his story.

Mr. LAMB. If you keep on this way, with blue Monday and holy Wednesday and pension Friday, we will be here the Fourth of July about these measures unless we get along a little faster.

Mr. MANN. The gentleman will not make any time by cutting off gentlemen who have a right to talk.

Mr. LAMB. The Chair stated that the gentleman's time had expired.

Mr. MANN. I know, but gentlemen who really have something to say should have an opportunity to say it, or I shall insist upon a quorum being present.

Mr. LAMB. I will let him finish his story. Of course, it is very interesting; I have heard it before. I will be glad to have my colleague finish his story.

The CHAIRMAN. Is there objection?

Mr. AKIN of New York. Mr. Chairman, reserving my right to object, I want to say that the gentleman has had 15 minutes to make a speech here. I only had 10 minutes the other day and did not finish my speech. Now, if he is going to continue in this way, I shall have to object. [Cries of "Too late!"] Mr. Chairman, I object.

Mr. LAMB. I hope my friend from New York will withdraw his objection.

Mr. AKIN of New York. Well, I will withdraw the objection.

Mr. McLAUGHLIN. Prof. Hopkins told us the result of conducting experiments—I believe it was in the growing of oats—of a certain treatment of the soil that produced a magnificent crop, whereas upon adjoining and near-by farms the yield had been insignificant. He called about him the people of that section of the country to see what he had done. One old gentleman came with the members of his family. Upon their faces and upon their persons there appeared the marks of labor and of poverty. The old gentleman, when he saw what had been accomplished, broke down and said, "Why could not I have known this 20 years ago. I have the same kind of soil, and if I had only known how to treat the soil it would not have been necessary for me to bring my family up in poverty and ignorance." The professor said to him, "Why, you did have opportunity to know it; the department has issued bulletins; it has conducted institutes around here," and the old gentleman said, "I never could understand the bulletins, and when I attended the institutes I could not fully understand the lectures."

Now, I will say, Mr. Chairman, that unless this appropriation is increased, unless something is done to carry to the people of this country the information the scientists and the skilled men of the department have been gathering for years, the money we have already expended will be wasted and lost to the people of this country.

I will not further trespass upon the time of the committee. I thank you for the extension.

Mr. LAMB. Mr. Chairman, I want to make a plain statement about this matter and then ask my acting assistant—adjutant general here [Mr. LEVER]—whom I have requested particularly to study the plant-industry part of this appropriation bill, to answer my friend from Michigan.

My colleague [Mr. McLAUGHLIN] was on this subcommittee that made up this bill. He was also on the committee, of course, when it was being considered. We discussed this matter in all of its phases, and I regret exceedingly that he felt constrained to come here and offer an increase of this appropriation, which, by the way, is about the only large increase that we made in these estimates. And we did it for the reason that has been stated in part by my friend, namely, that we thought our brothers in the Central West and the abandoned farms in New York, as reported to us, should have some of the benefits that have accrued to the South from demonstration farm work during the inroads of the boll weevil and the appropriation of $300,000, or thereabouts, for the extermination of that pest.

We questioned Dr. Galloway; but I am not going to trespass upon what my friend is prepared to say on this question. I am sure you will consider this amount as fully satisfactory to the department. One word more before I close, and I wish to say that the good story related by the gentleman from Michigan [Mr. McLAUGHLIN] suggests this thought. If you increase these appropriations you will thereby weaken the reasons given so strongly before our committee for an appropriation under what is known as the Lever bill. There are 16 of those bills before our committee. During the hearings on the Lever bill we had many fine addresses, which have been referred to—this story being in one of them—and I suggest to you, when the hearings are printed, to read them as an intellectual entertainment, for they will entertain you and furnish you with information at the same time. This Lever bill will give you exactly what you are asking to be done under this increase.

Mr. TRIBBLE. Will the gentleman yield?

Mr. LAMB. I have not time in which to yield now.

The gentleman from South Carolina, my assistant adjutant general, will have more time and will reply to you. [Laughter.] This Lever bill, so called, I claim is the grandchild of the old Davis bill. The Page bill, which you have heard about over in the Senate, is really the child of the Davis bill, and I think in some respects will be better than its father, and I think the grandchild will be better than the child or its grandparent. The only reason, in my judgment, why it may not be passed at this session of Congress is because the revenues are behind the receipts from the customs duties by which we raise money, and through unconscious sources of taxation, I may say. Every increase you may make in this item weakens the force of the argument for the Lever bill.

Now, I yield to my friend.

Mr. STONE. Mr. Chairman, I desire to offer a substitute.

The CHAIRMAN. The gentleman from Illinois [Mr. STONE] offers a substitute, which the Clerk will report.

The Clerk read as follows:

Page 21, lines 25 and 26, strike out the words "one hundred and eighty-six thousand and twenty" and insert the words "two hundred and fifty-one thousand."

Mr. STONE. Mr. Chairman, I am in favor of an increased appropriation for this work. I think it is well understood, and the need of the extension of it is very easily discerned. I will merely state that during the last summer throughout the Northern States the farmers' institutes in the various counties and States passed resolutions calling upon Congress to extend this very work, so that the northern farmer could have the benefit of it the same as the southern farmer has at the present time.

Mr. RUCKER of Colorado. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The debate is not exhausted. The gentleman can speak in opposition if he wishes.

Mr. RUCKER of Colorado. Mr. Chairman, I desire five minutes in which to speak for the amendment. Mr. Chairman, this is a very important matter not only to the farmers all over the country, but especially to the farmers in that State which has not the honor of having a member on the Agricultural Committee. And we are berated here now because of the fact that we did not appear before this committee and call attention to many of the things which have been brought forward. That is unfair, because a lot of us would like to have been upon or before that committee, but we could not be there. In the first place, this boll weevil has stricken the South pretty nearly coincident to a time when an evil disposition has struck it, because it has taken all of this pork barrel, apparently.

We have none of it in Colorado, a section where we need the most of it. We have an agricultural station there, maintained solely by the State, the State going to the entire expense, and we having no aid whatever from the Federal Government other than from the two agricultural stations which are located there, to which the farmer must go a long way for information.

As the gentleman from Michigan says, these bulletins fall too high above the heads of the ordinary farmer or else he has not the time to study them. We have the institutes of our agricultural colleges traveling all the time over the State, doing all they can, but it is entirely at the expense of the State of Colorado.

Mr. WICKLIFFE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Louisiana?

Mr. RUCKER of Colorado. Certainly.

Mr. WICKLIFFE. The gentleman stated that Colorado was getting nothing. I take the broad ground that this bill is absolutely nonsectional. Take, for instance, the State of Colorado. Here is an item carried in the bill of $69,000 for investigations connected with the utilization of lands reclaimed under the reclamation act and other areas in the arid and semiarid regions. Now, I do not mean, of course, to say that this is all for Colorado, but some of it, possibly a great deal of it, may be expended there or for the interest of that State; but I do hope the gentleman did not try to create the impression that this is a sectional bill. It is not sectional in any sense.

Mr. RUCKER of Colorado. I did not mean it in that sense, and I beg the gentleman's pardon if he so understood me.

Mr. RAKER. What did the gentleman mean by the remark that only those Members who are on the committee have investigations made in their States?

Mr. RUCKER of Colorado. I do not know what I said to mislead the gentleman, but I did not say anything like that.

Mr. RAKER. I understood the gentleman to say that only members of the Committee on Agriculture had appropriations made for investigations in their State.

Mr. RUCKER of Colorado. The gentleman misunderstood me altogether. It is unfortunate. It may be merely an unfortunate fact for the South that the South needed most of this money. I am not complaining of that; but I am complaining of the fact that we have not got enough in this appropriation to go all around, and that we need some of it in Colorado.

Now, for an illustration. For the last 30 years there have been periods when certain sections of that country were abandoned by the people who have gone there and undertaken, by the usual methods, to make a living on the land—abandoned because of the fact that they had not been educated up to the latest mode of farming these lands, namely, the Campbell system of soil culture, and it is upon that line that the State of Colorado is doing so much for the education of the people. It simply needs some more assistance, and that can only be had from the Federal Government. I am in favor of this amendment.

Mr. WILLIS. Mr. Chairman, I am heartily in favor of this amendment. I want to say, in favoring it, that I do not think this bill is sectional, or that anyone believes that it is. The statements that have been made by the gentleman from Michigan [Mr. McLAUGHLIN] and by others are not made, in my judgment, in the spirit of criticism. So far as I am concerned, I am not finding fault with the gentlemen from the South because they have a large number of stations. I think it indicates commendable activity on their part. For example, as shown by this map, South Carolina has 41, Georgia has 60, Alabama has 64, Texas, 106, and so on. Among the northern States Pennsylvania has 15, Ohio 10, Wisconsin 8, and so forth. I am speaking of all the different establishments of the Department of Agriculture.

Now, that is perfectly natural, and we are asking for the same privilege for the northern States. These men that work in this demonstration work under the supervision of the Bureau of Farm Management are the ones that bring practical things home to the farmers. They are not talking about the technical details of the chemistry of soils, or the fine points of the fertilization of plants, but they talk about the practical things that the farmer wants to know. They come to the farmer and find out, for example, that he is not making the profits he ought to make on his farm; that the work is not being carried on economically. They study the farm as a whole. They take into consideration what problems are involved. They bring the technical information of the Department of Agriculture right home to the farmer, and in such a way that he will be able to use it.

Now, it must be perfectly obvious to gentlemen that, in order to do that it is not possible for one man to cover three or four States with his activities.

It is shown here in the hearings, for example, that one man has three States—Washington, Idaho, and Oregon. He states here in the hearings that he has been in this position for the past seven years and has not been able to go over all the territory once. Now, when we understand that the work of the bureau is largely personal work, it must be perfectly obvious to gentlemen, particularly those who are acquainted with the work of the department so far as it relates to the boll weevil, that if this work is to amount to anything it must be brought directly to the farmer. You can not do anything with one man for three States.

It has been suggested here that the States ought to cooperate. The Southern States are cooperating, and I commend them for it. I am not finding fault or complaining about anything here, except that we want the same help that is now being given to the Southern States——

Mr. MANN. Will the gentleman yield?

Mr. WILLIS. Certainly.

Mr. MANN. Is there any reason why the very wealthy State of Ohio, and the State of Illinois, and other Northern States, which have experimental stations of their own, should not carry on this work, if it is so desirable?

Mr. WILLIS. Not at all.

Mr. MANN. Why do they not do it, instead of asking the Government to foot the bills?

Mr. WILLIS. They are doing it. If the gentleman will read the hearings at page 58 he will find, for example, just exactly what the State of Ohio is doing.

Mr. MANN. I say, why do they not do it, instead of asking the General Government to foot the bills? They have the money and the men.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIS. I ask for a minute or two more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. WILLIS. In response to the inquiry of the gentleman from Illinois [Mr. MANN], I want to say that the State of Ohio is cooperating in that work. She has appropriated $30,000, as different States in the South have done, and, in my judgment, that is perfectly proper and reasonable. It is a perfectly proper activity of the Government, and we are simply asking in behalf of the farming interests of the Northern States that the same system that has been wisely and properly applied in the study of conditions in the South shall be applied in the North. For example, I have made a little computation here. The great State of Michigan does not have a single establishment or location of the Bureau of Plant Industry under this bill. Ohio has 2; Pennsylvania has 1; South Carolina has 40; Indiana has none; Illinois has 2; Iowa has 2; Alabama has 54; Minnesota has 1; Nebraska has 5; Mississippi has 46; Kansas has 5; Colorado not a single one. I am not complaining about that. I think it is perfectly proper that these locations should have been made in the States where they have been made, but I am asking that the same sort of service be extended to the farmers in the Northern States that is already extended to the farmers in the Southern States.

Mr. LAMB. I move that all debate on this paragraph and amendments thereto close in 20 minutes.

Mr. HEFLIN. Make it five minutes.

Mr. LAMB. I think 20 minutes is about right.

Mr. HEFLIN. We have already consumed about 45 minutes, I think.

The CHAIRMAN. The gentleman from Virginia moves that all debate on this paragraph and all amendments thereto close in 20 minutes.

The question being taken, the motion was agreed to.

Mr. LEVER. Mr. Chairman, I desire to oppose both the amendments—the one offered by the gentleman from Michigan [Mr. McLAUGHLIN] and the one offered by the gentleman from Illinois [Mr. STONE].

I desire to call the attention of this committee to a few facts and a few misunderstandings in connection with this item in the bill.

In the first place, the Secretary of Agriculture recommended to the Agricultural Committee that we should increase this appropriation $50,000. The Committee on Agriculture have increased this item $50,000.

A Democratic committee has taken the recommendation of a Republican President and written it into this bill. We have given every dollar asked by the department for this work, and it does seem to me that this ought to be a fact which should have some weight with gentlemen on this side of the aisle at least, if not on the other side. I would not have this debate take either a political or a sectional turn; on the contrary, I am perfectly willing to debate it on its merits.

Mr. ELLERBE. Will the gentleman yield?

Mr. LEVER. Yes.

Mr. ELLERBE. I do not want to disturb the gentleman, but I want to ask him this question: I am disposed to vote for this amendment, because I am a great believer in this work. I think these people have a right to share in that work, and I want to ask my colleague and friend if he thinks $180,000 is all the money that can be profitably expended for this work this next year?

Mr. LEVER. My colleague is a gentleman who always goes to the foundation of any proposition, and has done so in this, and I am exceedingly glad he asked me that question. I do not propose to answer him in my own language, but in the language of Dr. Galloway, the chief of the bureau, who handles this work and ought to know what he is talking about. Here is his language:

Mr. LEVER. Assuming that the committee allows this increase you ask here for farm management, how many men would you likely employ with that money; how many States would you reach?

Dr. GALLOWAY. We would probably simply increase our present force in nearly all of the Northern States. What we need now, however, is not a large number of inexperienced men, but we need some good leaders to organize and direct it.

In that connection let me say to gentlemen on both sides that while the farm-management work does relate to farm-demonstration work, nevertheless it is as different from it as day is from night, and Dr. Galloway says so by inference and specifically.

Mr. LEGARE. Will the gentleman yield?

Mr. LEVER. Certainly.

Mr. LEGARE. How will the men ever become experienced if you do not employ them at some time?

Mr. LEVER. Let me say to my colleague that he overlooks this fact: That every State in this Union has an agricultural

college and every State has an agricultural experimental station from which hundreds and thousands of boys are going out each year, and these are the men that ought to be the leaders of the community and ought to take up this line of work and will do it when they are available.

Mr. TRIBBLE. Will the gentleman yield?

Mr. LEVER. I will yield to the gentleman in a minute or two. Now, Dr. Galloway, continuing, says:

I do not see where the country could get men to carry out some of the projects that have been proposed, unless they are organized on the basis of the work in the South.

The CHAIRMAN. That would argue that this work is proposed to be advanced further than you have men suitable to carry it on.

Dr. GALLOWAY. I think we could get, with this amount of money, enough men. If very large sums were appropriated, you would have to put inexperienced men in the country to tell the farmers what to do, and you would probably have a waste of money.

Is that the statement of the chairman of the Committee on Agriculture? Is it the statement of the gentleman from South Carolina? No; it is the statement of Dr. Galloway, the man who made the recommendation and the man who is to spend the money—the man who has charge of the work—and his statement ought to be conclusive.

Mr. TRIBBLE. Will the gentleman yield now?

Mr. LEVER. I will yield to the gentleman from Georgia.

Mr. TRIBBLE. If there is not an agricultural college man in my district in charge of demonstrative work, and yet these demonstrators are capable, does not the gentleman's argument fail, and could not you get them from among the farmers?

Mr. LEVER. No. This is not the testimony of myself; it is the testimony of experts and men who know something about it; it is the testimony of men who have had experience.

Mr. TRIBBLE. The gentleman admits that the demonstrators are doing good work?

Mr. LEVER. This is not demonstration work. Let me tell the gentleman, and others who have got up a hullabaloo this morning on this proposition, that it is entirely different from the kind of work you are talking about and have in mind.

Mr. LEGARE. This is demonstration farm work.

Mr. LEVER. Not at all; it is not demonstration farm work; that is on the next page. Now listen. Dr. Galloway says:

You understand that in this farm-management work the final aim is not to reach the farmer through publication; the final aim is to reach the farmer through direct touch with the farmer. But that touch should be made in cooperation with the States, to the end of helping the individual farmer to readjust his entire scheme of farming operations, not by going on to his farm and making a simple demonstration, but by taking a farm, as a whole, and pointing out the ways in which he can readjust the whole proposition. That is a slow process and a costly process, and I think it ought to be done in the very closest touch with the States themselves.

In another part of his testimony he said that it would take $3,000,000 to do the work you gentlemen are talking about and think you are going to do by this amendment.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Certainly.

Mr. TOWNER. I would like to ask the gentleman if it is not true that this work which is now designated as farm management and farm practice would lead up almost directly to the work contemplated and referred to by the chairman of the committee in the Lever bill?

Mr. LEVER. Let me say that eventually I think that is true.

Mr. TOWNER. Then, will the gentleman allow me to follow that will another question? Does he not, then, think it would be to the advantage of his own bill and to the advantage of the whole country that this appropriation be so increased that these experienced men can be made available when they will be most needed under the operations of his own bill?

Mr. LEVER. The gentleman from Iowa fails to take into consideration the fact that we are increasing this item $50,000 in this bill. Let me say one word further, and these interruptions break the continuity of the argument, that this is not demonstration work, this is not the work that we have in the South, this is not taking up a few more than ordinarily intelligent farmers and having them go around and visit the various farms, giving the people a few of the fundamentals of agriculture. This is not that work at all. The Secretary of Agriculture in his report says that this important work will be carried on under four heads—studies of farm practice, cost or accounting and farm records, farm equipment, farm problems or extension work. They are taking a man and putting him in an area of 100 miles, perhaps, and telling him to study all of the various farms in that 100-mile area, and then come back to Washington and from his study of the various types of farms he has visited and studied, work out what in his mind is the best type of farm for that area over which he has traveled, and then give to those people the benefit of his judgment on that proposition.

The CHAIRMAN. The time of the gentleman from South Carolina has again expired.

Mr. WICKLIFFE. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more.

Mr. McLAUGHLIN. Mr. Chairman, that would leave only five minutes in which to reply to the gentleman.

Mr. WICKLIFFE. Already far more time has been consumed on the other side of this proposition.

Mr. McLAUGHLIN. Is that true, Mr. Chairman, that that would leave only five minutes?

The CHAIRMAN. The committee has adopted a resolution limiting debate on this proposition to 20 minutes. Ten minutes of that time has been already consumed.

Mr. McLAUGHLIN. I trust the gentleman will not take all of the time, because there is some of his statement that we would like to throw some light upon.

Mr. WICKLIFFE. The gentleman from South Carolina, of course, would speak now by unanimous consent. Practically all of the discussion has been upon the other side.

Mr. McLAUGHLIN. I do not object. I want the gentleman to have all of the time he desires, but we would like to have a little time in which to reply.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEVER. Mr. Chairman, going on with my statement, I want to make this distinction between the farm management work carried in this item and the farm demonstration work carried in the next item. The demonstration idea is built upon the idea that the Department of Agriculture through its agents carries to the farmer, onto his farm, the simple proposition of better agriculture as it is practiced in the community, while on the other hand, and it is a very vital distinction, the idea of the department under the item proposed to be amended is that its experts shall go out among the farmers and on the farms and there make investigations, gathering together data from which it is proposed to evolve a system or type of agriculture which can be spread broadcast over the country, probably by the demonstration method. In other words, one is a demonstration proposition and the other is an investigational and scientific proposition. The one kind of work can be built up in a short time, the other must of necessity go slowly. The chief of the bureau in charge of this work tells you in as plain language as he can tell you that he can not use more than he has asked for.

Mr. LEGARE. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. LEGARE. Is it not true that they are doing this farm demonstration work, under the clause at the head of page 22, for the study and demonstration of the best methods of meeting the ravages of the cotton boll weevil.

Mr. LEVER. I have already said that, but it is demonstration and not farm management work. The two are as distinct as is investigation from an expert point of view from demonstration from a practice point of view.

Mr. LEGARE. If they can do it under that clause, why can they not do it under the clause providing for investigating and encouraging the adoption of improved methods of farm management and farm practice?

Mr. LEVER. Because one is demonstration, that which we of the South get, and the other is farm management, which the Secretary of Agriculture and those in charge say is quite another thing.

Mr. LEGARE. In other words, it is left to the department to put the construction they choose upon the language.

Mr. LEVER. No; the language itself controls. One is farm management and the other is demonstration.

A great deal has been said about the location of stations, as they are called, as appearing in this map. There is nothing to that. These men here indicated by these little round marks on the map, are men who are receiving, perhaps, a salary of $50 a month or $60 a month, for a period of from six to seven months in the year.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. WILLIS. I understood the gentleman to say that there was somewhere else in this bill a provision for the extension of this demonstration work. Where is the provision that would permit that extension as to the agricultural districts of the North?

Mr. LEVER. Well, I do not think I said that; if I did, I did not intend to say it.

Mr. WILLIS. Then, as a matter of fact, it is not intended in the provision to have this extension?

Mr. LEVER. I will say to my friend from Ohio I have introduced a bill which will cover, in a very general way, this proposition. Now, I want to say as to this southern proposition that the States of the South a few years ago were put up against the greatest emergency, in many respects, with which

this country has ever been threatened—the ravages of the boll weevil. We did not come to Congress as a section of this country begging Congress to help us. We came here and appealed to a broader, bigger sentiment. We said this is a national problem; it is bigger than the South; it is bigger than Texas; it is bigger than South Carolina; and every interest and industry, every man, woman, and child in this country is vitally interested in the question as to the continuance of the growth of cotton. Congress took the national view of it and made these appropriations, the total amount of which in this bill is $332,000 in round numbers for this year. Now, look at what the States are doing, gentlemen. We of the South have recognized the enormous importance of this proposition, and we are appropriating this year from all sources $203,226.50, and that, added to the $130,000 which we are getting from the educational board, makes $333,000, or $1,000 more than the Federal Government is appropriating. Now, one word further.

Mr. WILLIS. Will the gentleman yield?

Mr. LEVER. Just let me complete this statement. If you will add up the number of these stations to which reference has been made in the South, the South Atlantic, and Southwestern States, you will find 1,619 of them, dividing that by 2, for we are furnishing half the money, you get 809, less than any other section of the country, according to the map. I hope, Mr. Chairman, this amendment will be voted down, because the department says it does not want and can not use the money to advantage. It is a good work, but we must let it grow gradually and in keeping with the recommendations of the men who are to expend it.

Mr. WICKLIFFE. Mr. Chairman, I move to strike out the last word; the time has not expired yet.

Mr. MANN. Mr. Chairman——

Mr. WICKLIFFE. I ask for 2 minutes.

Mr. MANN. Are not gentlemen on this side entitled to be heard?

Mr. WICKLIFFE. I will say far more time has been consumed on the other side than on this side.

Mr. MANN. But where a committee limits debate to 20 minutes, can gentlemen on one side occupy all the time?

Mr. WICKLIFFE. I only ask for 2 minutes.

Mr. MANN. That makes no difference; where the committee fixes debate at 20 minutes, can one side of the proposition occupy it all?

The CHAIRMAN. The Chair knows no rule governing——

Mr. MANN. I would like to inquire how much time is left?

The CHAIRMAN. A division of time is not made by the resolution, and the Chair must recognize gentlemen as they rise.

Mr. MANN. I know; but it is customary for the Chair, where debate is limited, to recognize first one side and then the other.

Mr. WICKLIFFE. How much time remains, Mr. Chairman?

The CHAIRMAN. Five minutes.

Mr. WICKLIFFE. I will only consume 2 minutes, Mr. Chairman.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the time be extended 2 minutes.

The CHAIRMAN. The gentleman from Iowa asks that the gentleman from Louisiana may proceed for 2 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. WICKLIFFE. Mr. Chairman, practically the sole purpose I have in rising here is to remove, if possible, any impression whatsoever that may prevail here—though I believe it does not to any great extent—that this is a sectional bill. I take exception to the remarks made by the gentleman from Michigan [Mr. McLAUGHLIN], and also by the gentleman from Ohio [Mr. WILLIS], not charging directly that this bill is sectional, but subtly—in a manner by innuendo—indicating that it may be. I want to say now that if there is one committee above all others in the House of Representatives that has no politics in it, it is the Committee on Agriculture. [Applause.] When it comes to the matter of what is necessary for the farmers of this country we do not stop to ask whether it is the "foot-and-mouth disease" in Pennsylvania or New York, or whether it is the boll weevil in the South, or whether it is the gypsy and brown-tail moth in New England, or something in the West. We simply ask the question, Is it fair, just, and necessary? Have we the power to do it? And when the answers are affirmative to these questions we do it. Now, for instance, right here, if we want to balance things up.

I deprecate any such thing; I deprecate such a comparison. I do not propose to balance things up, and you should not do it. It is not fair, it is not just, it is not a just argument; but since you offer it let me call attention to the fact that the gypsy moth and the brown-tailed moth are confined to the States of New England, and those States are getting almost, if not entirely, as much in this very measure as is the item for the boll weevil in the South. But I do not want for a moment to make such a comparison, because I think it is invidious.

Mr. McLAUGHLIN. Mr. Chairman, I am sorry the gentleman from Louisiana [Mr. WICKLIFFE] has put the construction which he has on my remarks. There is nothing sectional in the bill, and there is no disposition to draw sectional lines by any member of the committee, nor have I heard any suggestion of it on this side of the House. We have simply been impressed with the value of the work done in the South, and we would like to have similar work carried on in the North.

Now, as to the difference between farm management and farm demonstration. I attempted to explain when I had the floor before that there are two departments of this work, and that there is some difference. But I wish to confess again that I have never been able to distinguish between them. I have asked gentlemen connected with the Department of Agriculture to explain to me the difference between farm management and farm demonstration, but, it may be my fault, I have never been able to understand their explanation. And I submit that the remarks made by the gentleman from South Carolina [Mr. LEVER], whereby he undertakes to make this explanation and explain the difference between them, are confused, as are the statements that have heretofore been made to me, so far as they are really pertinent; and I suggest, without intending any reflection upon him, that he has made some misstatements, growing out of a misunderstanding himself as to what farm demonstration and farm management are.

Just another point, and I have finished—as to the supply of men that the department has and its ability to use this money. I went to the Chief of the Bureau of Plant Industry at his own invitation to talk about work in Michigan, and we canvassed the situation. He told me that he had the men and could send them there, but that they did not have money with which to do it. I said to him, "We are going to increase that appropriation $44,000." "Yes," he said, "but that will employ only 14 men, or about that, because the expense of each one is about $3,000, and there are so many applications—hundreds of them from all parts of the country—it will be impossible for me, out of that appropriation, to satisfy your request for work in Michigan."

Mr. LEVER. But the gentleman will admit that I quoted Dr. Galloway from the hearings correctly.

Mr. WILLIS. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from Ohio?

Mr. McLAUGHLIN. I do.

Mr. WILLIS. The gentleman from South Carolina [Mr. LEVER] said a moment ago that there is a vast difference between farm management and farm demonstration. If so, I will ask the gentleman from Michigan if there is anything that will permit the extension of this demonstration work in the North?

Mr. McLAUGHLIN. That raises the question that I brought up in the committee, when I questioned Secretary Wilson and Dr. Galloway, the Chief of the Bureau of Plant Industry. I learned that under that appropriation to meet the ravages of the boll weevil, thousands of miles away from where the boll weevil is, but in anticipation of its coming, the Bureau of Plant Industry had been teaching the people not how to combat the boll weevil——

Mr. LAMB. Will my friend yield?

Mr. McLAUGHLIN. Just a moment. Was teaching the people not how to combat the boll weevil directly, but teaching them diversified agriculture, teaching them to raise corn and potatoes, hogs and cattle, to change their farm work entirely. Really, the bureau has made suggestions to them as to farm management which these gentlemen say is improper under this appropriation. Now, I submit that wonderful work has been done, and I approve it. I am not making any reflection upon it.

Mr. LAMB. I know that my friend and colleague is bound to admit that that comes out of another appropriation, namely, for educational work.

Mr. McLAUGHLIN. I have only a short time, and I am not making a misstatement. I wish this House to understand that the Department of Agriculture, out of this appropriation for meeting the ravages of the boll weevil, is teaching the people to raise corn and potatoes and stock, and we want to have the same kind of work done in the North.

Mr. LAMB. I ask for a vote, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. STONE].

Mr. RAKER. What has become of the substitute?

The CHAIRMAN. The substitute is accepted and becomes the amendment. The question is on the amendment offered by the gentleman from Illinois.

Mr. LAMB. Mr. Chairman, let the amendment be read.

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

On page 21, lines 25 and 26, strike out the words "one hundred and eighty-six thousand and twenty dollars" and insert the words "two hundred and fifty-one thousand dollars."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. LAMB. A division, Mr. Chairman.

The committee divided; and there were—ayes 83, noes 24.

Mr. LEVER. Mr. Chairman, I would like to hear the result of the vote on the question.

The CHAIRMAN. The ayes are 83 and the noes are 24.

Mr. MANN. Mr. Chairman, the amendment has not been disposed of yet.

The CHAIRMAN. The substitute of the gentleman from Illinois is accepted by the maker of the original amendment.

Mr. MANN. But he can not accept the amendment.

The CHAIRMAN. He can by unanimous consent. Therefore the question is upon the amendment as amended.

The question was taken, and the amendment as amended was agreed to.

Mr. GARNER. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas [Mr. GARNER].

The Clerk read as follows:

For the investigation and improvement of sugar-producing plants, including their utilization and culture, in the Rio Grande River, $5,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. A point of order is reserved.

Mr. GARNER. Mr. Chairman, the Clerk did not report the amendment correctly, as I wrote it. It is not the "Rio Grande River," but the "Rio Grande Valley." I do not know whether it looks like Rio Grande River or not. I would like to have the Clerk report the amendment again.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

For the investigation and improvement of sugar-producing plants, including their utilization and culture, in the Rio Grande Valley, $5,000.

Mr. LAMB. I make a point of order on that.

Mr. GARNER. I would like to be heard, Mr. Chairman.

Mr. LAMB. I reserve it, then.

Mr. GARNER. Mr. Chairman, this is exactly the language of a paragraph in lines 18, 19, and 20, on the same page, with the exception of the words "Rio Grande Valley" included.

I am not an expert on the rules of the House or the rules that govern this committee, but if the first paragraph is in accord with the rules of this committee, then it does seem to me that a point of order would not be good as against the paragraph that I have offered. The language is identical, as I say, with the language contained in lines 18, 19, and 20 on the same page, with the exception of the three words "Rio Grande Valley." I have not heard the chairman of the Committee on Agriculture suggest to the Chair upon what he bases his point of order.

Mr. LAMB. I base it upon the ground that it changes the law and makes entirely new conditions.

Mr. GARNER. I can not see the point, Mr. Chairman. The point suggested by the chairman of the committee does not seem to me to be valid.

The CHAIRMAN. What is the point of order made by the gentleman from Virginia?

Mr. LAMB. The point of order is that it is not germane to the paragraph, that it is new language, and that it changes the law.

Mr. MANN. Mr. Chairman, I would like to be heard a moment on the point of order, although I do not know I have any opposition to the amendment.

The gentleman from Texas [Mr. GARNER] assumes that because he uses the same language that is already in the bill, therefore the amendment is not subject to a point of order. But the gentleman does not stop with the language that is in the bill. We have the right to make an appropriation, under the law creating the Department of Agriculture, to include the investigation and improvement of sugar-producing plants or other plants. That law gives the Department of Agriculture and the Secretary of Agriculture the power over the distribution of the funds, the say as to where those funds shall be expended. Under the law creating the department the discretion in reference to the expenditure of the fund, when appropriated, is left in the Secretary of Agriculture.

Now, the gentleman proposes to make an appropriation for a particular territory. That removes the discretion of the Secretary of Agriculture and compels him to expend money in a particular section of the country where he would not be required to expend it under his discretionary authority if an appropriation simply be made. It has been held time and again that while an act may authorize Congress to make an appropriation for a particular purpose, to be expended in the discretion of the department, it may not segregate that item and require its expenditure in a particular manner or in a particular place.

Mr. GARNER. Mr. Chairman, it occurs to me that if the Congress has the right to make an appropriation and leave it to the discretion of the Secretary of Agriculture as to where it shall be expended, it also has the right to give a specific direction as to how it shall be expended. If the paragraph I have referred to, contained in lines 18, 19, and 20, is not subject to a point of order and is authorized by law, it occurs to me that the paragraph I have offered as an amendment is also within the terms of the law. If you have a right to appropriate for a general purpose, you certainly have a right to appropriate for and give a special direction as to how that money shall be expended. At least that appears to me to be very good logic.

I understand that the only point made by the gentleman from Illinois [Mr. MANN] is that the law authorizes a general appropriation, leaving it entirely discretionary with the Secretary of Agriculture, but that same law does not authorize Congress to make an appropriation and direct how it shall be expended. It does not seem to me that that is good reasoning, and I do not believe it is within good parliamentary practice.

Mr. LAMB. I ask for a ruling.

The CHAIRMAN. The Chair is ready to rule. The Chair is of the opinion that the investigation provided for comes within the authorization of law creating the Department of Agriculture, and is therefore not subject to a point of order on that ground.

The gentleman from Illinois [Mr. MANN] makes the point more specific in that this amendment confines the investigation to a particular section of the country or a particular line of investigation, and does away with the discretion which the gentleman from Illinois says is by law vested in the Secretary of Agriculture. The Chair is unable to see that that goes to the question of the authority of Congress to make the appropriation. It seems to the Chair that Congress has the power, if it chooses, to limit the investigation to a particular section of the country or a particular line, and that, the general authority being conceded, the special authority must also follow, and that the amendment is not subject to the point of order. The point of order is therefore overruled.

Mr. LAMB. I ask for a vote on the amendment.

Mr. GARNER. Mr. Chairman, if I may have a moment of the time of the committee, I believe the committee will agree with me that in my experience in this House I have not taken up a great deal of the time either of the committee or of the House.

I am intensely interested in this amendment. On last Saturday and to-day I have tried to call attention to the fact that the $30,000 appropriated for this purpose is expended in the Middle West. There is not a dollar of this money expended in experiments with reference to the production of sugar in either Louisiana or Texas, two States that produce the most sugar in the United States. I submit that it is not fair, that it is not right, that you should take the entire appropriation for sugar-producing plants in this agricultural bill and apply that appropriation solely for the purpose of experimenting with the production of sugar in the Middle West. I represent a district where the experimenting in the way of producing sugar plants in the last three years has been something phenomenal. Almost every State in the Union and almost every man on the floor of this House has a former constituent living in the Rio Grande Valley who has purchased a small amount of land there for the purpose of producing sugar or other products. It is nothing but fair and just that some experiments should be made, that some assistance should be given to these small farmers who are undertaking an experiment under new climatic conditions, in a new soil, under an irrigation system that they know nothing about. It is nothing but fair and just that Congress should supplement the fund that the Agricultural College of Texas and the farmers themselves will subscribe in order to test the feasibility, the advisability, and the profit with which they can produce sugar in that valley.

Mr. MARTIN of Colorado. Will the gentleman yield?

Mr. GARNER. Yes.

Mr. MARTIN of Colorado. Does the gentleman think that if he gets the $5,000 appropriation to investigate the sugar plant-

ing in his district it will square him with his constituents for voting against a free-trade sugar bill that will absolutely kill that industry?

Mr. GARNER. The gentleman from Colorado is in error. He asks me if I think the appropriation to establish an experimental station in that valley will square me for voting against the free-sugar bill. So far as I have been able to learn, there has been no bill considered by this House to put sugar on the free list. There doubtless will be, and, unlike the gentleman from Colorado, I propose, as one Democrat in the House whose district is interested in the bill to be brought in, to follow my party and vote for the bill. [Applause.] But that does not keep me, Mr. Chairman, from insisting that that district have fair play and a fair opportunity to demonstrate to the country that it can produce sugar in the Rio Grande Valley in competition with the world. I do not know whether they can do it or not; but I do know that this appropriation, together with the appropriation we will get from the Agricultural College of Texas, and the money subscribed by the small farmers, will enable them to determine whether they can produce sugar in that valley in competition with the world.

Mr. YOUNG of Kansas. Will the gentleman yield?

Mr. GARNER. Yes.

Mr. YOUNG of Kansas. Is the gentleman willing to vote for an amendment for $5,000 to test the same question in every other valley in the country?

Mr. GARNER. I am willing to vote for an amendment to test it where you have gone in and invested an amount of money that will compare with that invested in the business in the Rio Grande Valley. There has been invested in that valley between $30,000,000 and $40,000,000, and some of the men who invested it came from the gentleman's State. In the last fiscal year they have expended some of this appropriation for the purpose of experimenting in beet sugar in Kansas. Why should the gentleman from Kansas, who has had some of this money expended for the purpose of demonstrating the work in his State, refuse to have the same work done in my State?

Mr. YOUNG of Kansas. I have not objected.

Mr. GARNER. The only States where the money has been expended are Wisconsin, Colorado, Kansas, and Georgia. Why should not the State of Texas, where millions of money have been put into the sugar-producing project—more money than in any other portion of the United States—have this benefit?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GARNER. Mr. Chairman, I do not want to take up the time of the committee, but I want to impress on the Members of this House the importance of this amendment to the great investments in the Rio Grande Valley. [Applause.]

Mr. MARTIN of Colorado. Mr. Chairman, I offer the following amendment: "And $5,000 be expended for a similar purpose in the State of Colorado."

Mr. LEVER. I shall offer an amendment that $5,000 be expended in the State of South Carolina for the same purpose.

The CHAIRMAN. The gentleman from Colorado offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amend the amendment by adding the words "And $5,000 to be expended for a similar purpose in the State of Colorado."

Mr. MANN. I reserve a point of order to that amendment. I think I will make the point of order first and let it be disposed of. While I think the Chair was entirely in error in ruling on the point of order before, the Chair will readily see the difficulty he has involved the committee in. While I think the amendment offered by the gentleman from Colorado is subject to a point of order, because it is not in order to amend one specific proposition by adding another specific proposition, it would be in order if the gentleman offered it as a separate paragraph. I hope every Member in the House who has a district where they produce sugar will take the opportunity to offer a new paragraph, not only in this place, but other places in the bill, so that they may have the chance to discuss the matter before the committee. The Chair having ruled that it is in order for any Member to offer an amendment for the expenditure of money authorized to be expended under the Department of Agriculture at a specific place, there is no limit to the number of amendments which can be offered, because you can offer an amendment to expend money at Gilman and at Oneida or some other place, not even limiting it to the number of districts or the States in the Union. I do not think that when an item is offered for one specific place you can offer an amendment to it for another specific place.

Mr. LAMB. Mr. Chairman, I ask for a ruling.

Mr. RUCKER of Colorado. Mr. Chairman, I desire to offer a substitute.

Mr. LAMB. Mr. Chairman, I ask for a ruling.

The CHAIRMAN. The question before the House is the point of order of the gentleman from Illinois [Mr. MANN] to the amendment offered by the gentleman from Colorado [Mr. MARTIN]. The Chair is prepared to rule. The Chair is still of the opinion that the question of an appropriation containing a specific direction as to its expenditure is a question for the wisdom of the House and not a queston involving the authority of the House as a proposition of parliamentary law. It might appear to the wisdom of the House that the investigation of sugar in a certain section of the country was something which required some sort of special appropriation different from that which might be appropriated for some other section of the country. That is a question for the legislative discretion of Congress, and not a question of parliamentary law.

Mr. MANN. But this is not a question of legislative discretion.

The CHAIRMAN. What the Chair endeavored to state was that the question presented was one of legislative discretion, a question the Chair would not pass upon.

But the amendment offered by the gentleman from Colorado presents a further question, and is subject to a further point of order of not being germane to the amendment offered by the gentleman from Texas. While any number of provisions might be in order to a general paragraph, it does not at all follow that they are germane to each other. It has been held, as the Chair is advised, that a specific provision by amendment can not be amended by another specific provision; that the one specific provision is not germane to the other specific provision, although each might be germane to the main proposition. Upon that the Chair rules that the amendment of the gentleman from Colorado is subject to the point of order, and the point of order is, therefore, sustained.

Mr. RUCKER of Colorado. Mr. Chairman, I offer the following amendment to the amendment of the gentleman from Texas:

And for the investigation, utilization, and cultivation, the sum of $5,000, to be used in the Platt Valley, the headwaters of which are in the State of Colorado.

Mr. LEVER. Mr. Chairman, I make the point of order against that amendment.

The CHAIRMAN. Is that offered as an amendment to the amendment of the gentleman from Texas?

Mr. RUCKER of Colorado. Yes.

The CHAIRMAN. The point of order is sustained.

Mr. MARTIN of Colorado. Mr. Chairman, I offer my amendment as a substitute for the amendment of the gentleman from Texas. I think it is in order as a substitute.

Mr. LEVER. Mr. Chairman, I make the point of order that if the gentleman's amendment is not in order as an amendment is could not be in order as a substitute.

The CHAIRMAN. The point of order is sustained.

Mr. MARTIN of Colorado. Then I desire to amend the amendment of the gentleman from Texas by striking out the words "Rio Grande Valley" and inserting in lieu thereof the words "State of Colorado."

Mr. LEVER. Mr. Chairman, I make the point of order against that.

Mr. MARTIN of Colorado. Mr. Chairman, it seems to me that if the committee can vote the sum of $5,000 to the Department of Agriculture to make beet-sugar experiments that it can also name the place where the money is to be expended.

Mr. LEVER. Let me suggest to my friend from Colorado if he desires to get this proposition through that he offer his proposition as a separate paragraph, as did the gentleman from Texas.

Mr. LAMB. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The regular order is the point of order of the gentleman from South Carolina to the amendment offered by the gentleman from Colorado. As the Chair understands the amendment, the gentleman proposes to strike out the words "Rio Grande" and insert in lieu thereof the words "State of Colorado," so that the amendment will then be a specific provision for the State of Colorado. The point of order is overruled.

Mr. LEVER. Mr. Chairman, I desire to be heard in opposition to the amendment. I stood here a moment ago, Mr. Chairman, and with as much power as I possessed fought the proposition of the gentleman from Michigan [Mr. MCLAUGHLIN] to amend this bill, not because of special antagonism to it, but because it was not considered by the committee and not estimated for by the department, and while I have a deep affection for the gentleman from Texas [Mr. GARNER] and for the gentleman from Colorado [Mr. MARTIN], I wish to call the attention of the committee to the situation into which we are getting ourselves in respect to this bill. Whether or not the Chair in its ruling a moment ago be right or wrong, this is a practical proposition

against which we are up, if you will permit that kind of an expression. If the gentleman from Texas [Mr. GARNER], through his genial personality and his influence on this side of the House, and the other can vote into this bill this amendment, then the gentleman from Colorado [Mr. MARTIN], equally affable and always entertaining, can vote into it his amendment, and both may be meritorious. Then I offered an amendment jocularly a moment ago that $5,000 should be appropriated for this purpose for South Carolina. We do not grow any sugar-producing stuff in South Carolina except a little old-fashioned sorghum. But the gentleman from Kansas will have the right to offer an amendment for his State; the gentleman from Illinois an amendment for his State; the gentleman from Louisiana an amendment for his State; and my good friend from New York here, Dr. AKIN, an amendment for his State; the gentleman from Illinois, the ex-Speaker of the House, an amendment for his State; and when we get through with this bill, unless we take the bold position here of dealing with this thing regardless of personalities or personal friendship, we will have it loaded down with amendments affecting every district in the United States.

Mr. GARNER. I would like to ask the gentleman in making the comparison to state any instance in the United States where the amount of money expended in the way of the development of the sugar industry of this country equals the Rio Grande Valley; and it is unfair for the gentleman to make that comparison when there is not any point in the United States that is situated as that particular section is.

Mr. MANN. If they are spending so much themselves, they do not need any help.

Mr. LEVER. Let me point out to the gentleman how he places a lot of men in this House with his amendment. The gentleman from Colorado [Mr. MARTIN] is interested in this proposition; so is the other gentleman from Colorado, and the gentleman from Louisiana is——

Mr. GARNER. If the gentleman will permit for just a second, I desire to say that there are two stations in Colorado now in which this $30,000 is being used. Is the gentleman from Colorado in the same position I am?

Mr. LEVER. Some other gentlemen here are interested along the same line with the gentleman, and the gentleman from Texas puts those gentlemen in the position of absolutely neglecting their own constituents unless they stand here and offer amendments to this bill making appropriations for their own districts and their own people. And let me say another thing. Here is what this bill will do now: In the paragraph on page 21, lines 18 to 20, "for the investigation and improvement of the sugar-producing plants, including their utilization and culture," is authority for the work which the gentleman from Texas wants to be done. It is only a question of whether or not the Department of Agriculture or the administrative branch of the Government regards the work in the district of the gentleman from Texas as of sufficient importance to divert funds to it which they are using in some other sections of the country. Now, gentlemen, that is all I want to say, but I want to impress upon the membership the fact that we are setting a dangerous precedent here which will bob up to bother us throughout the consideration of this bill; and I know my friend from Illinois [Mr. MANN] well enough to know that if he desires to do it he can hold this House, except through a rule from the Committee on Rules, which we do not want, for the next 30 days on this bill by offering amendments covering propositions involving the districts of Members of the House; and I trust that gentlemen on this side, loving my friend from Texas as they do and as I do, will rise up and vote down this amendment and the amendment of the gentleman from Colorado, that we may put ourselves on record as not being willing that this bill should be loaded down with amendments which have not been considered by the department and which have not been considered by the committee whose duty it is under the rules of this House to consider them. I ask for a vote.

The CHAIRMAN. The question is on the amendment——

Mr. GARNER. I want to speak in reference to the amendment offered by the gentleman from Colorado——

Mr. LAMB. What is the necessity, time is passing; we ought to have a vote on this amendment. We have practically voted on it before.

Mr. HUGHES of New Jersey. Regular order.

Mr. GARNER. I want to say to the gentleman from Virginia I do not think he is going to gain much time. I have not taken up very much time of this committee.

Mr. MANN. Mr. Chairman, my friend had full time this morning and, according to my humble judgment, this whole question was decided this morning. It only comes up in a new form. I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado to the amendment offered by the gentleman from Texas.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is upon the amendment offered by the gentleman from Texas.

Mr. MARTIN of Colorado. Mr. Chairman, I move to strike out the last word of the amendment. I do not want to waste any of the time of the House, and I really regret to be put in the position of wantonly defeating the amendment of the gentleman from Texas, and yet there is some merit in my position.

Now, I am glad to hear the gentleman from Texas [Mr. GARNER] assert the great importance of the sugar industry in western Texas and, I assume, particularly in his own district. I had not known, I will confess, that it was of such importance. The statistics give the entire State of Texas something like 10,000 tons of sugar production annually, and those figures, as I understand it, include all kinds of sugar in that State—cane as well as beet sugar. And, Mr. Chairman, that is not one-fifth of the quantity of sugar that is produced annually in my congressional district. That is to say, my congressional district alone produces five times as much sugar as the entire State of Texas annually.

Mr. GARNER. May I ask how much sugar is produced in the gentleman's congressional district?

Mr. MARTIN of Colorado. It produces about 50,000 tons annually.

Mr. GARNER. It does not contain, then, five times as much, for the statistics say that last year there were 18,000 tons produced in the State of Texas, and that was comparatively all produced in the fifteenth congressional district.

Mr. MARTIN of Colorado. I am glad to hear it is more. I am sorry it was not 100,000 tons. If it was that amount, the gentleman would need $15,000 to square himself with his constituents for voting for a free-trade bill. [Applause on the Republican side.] All we ask of Congress is to be given an opportunity to grow sugar. All we ask of Congress is to leave us alone. [Applause on the Republican side.] All we ask of you is not to take us by the throat and throttle us to death. [Applause on the Republican side.] That is all the encouragement we need in that State. Ten years ago there was not a beet-sugar factory in the State of Colorado.

I am not going to launch out here now in these five minutes to make a tariff speech. I am going to discuss this subject some, though, when we get to it. But we have 18 factories in the State of Colorado now. We are the leading beet-sugar producing State in the Union to-day. We produce as much as Michigan, although we have not a third of its population. And yet we have not begun to produce sugar any more than the gentleman's district, or western Texas, has.

We have only 50 or 60 factories in this country, while Europe has 1,500 or 1,600, yet for every acre of land in Europe that will produce sugar beets we have a hundred acres in this country. And gentlemen propose a buncombe political play here in Congress to slaughter that industry, and the gentleman from Texas wants to go back to his congressional district with a little appropriation of $5,000 in his vest pocket in order to square himself with his constituents down there for voting for a bill which, if it could ever find its way onto the statute books of this country, would absolutely and beyond question destroy every sugar factory in it, even if you were to appropriate a million dollars to experiment in sugar plants.

Now, Mr. Chairman, if they need $5,000 in western Texas for the purpose of investigating and experimenting with sugar plants, we need $5,000 in Colorado. They need it in Kansas, Wyoming, Utah, Nevada——

Mr. LAMB. Mr. Chairman, I insist that this is not the time to discuss the tariff question.

Mr. MARTIN of Colorado. I wanted to impress upon the gentleman from Texas the fact that there might possibly be some merit in my position in offering an amendment here.

Mr. GARNER. Mr. Chairman, I am entitled to be recognized in opposition to the amendment offered by the gentleman from Colorado under the rules of the committee as I understand it.

The CHAIRMAN. The gentleman from Texas [Mr. GARNER] is recognized.

Mr. GARNER. Mr. Chairman, as I stated to the committee on last Saturday, I did not want the debate on this amendment, which I think has as much merit in it as any other amendment that has been offered here since I have been a Member of Congress, to go off on the question of a sugar tariff. I believe I have as much interest in the production of sugar, as a Representative in this House, as any other man in it. But, Mr.

Chairman, when I came to this House I came under the Democratic organization. I come here as a Democrat, and whenever my party speaks upon a question of the policy of the party it is my duty to follow that policy. [Applause on the Democratic side.] I am not one of those Democrats who, because they do not have their way, are willing to stand on the floor of this House and criticise every other Democrat that does not agree with them. [Applause on the Democratic side.]

Mr. MARTIN of Colorado. I will say to the gentleman from Texas that I will discuss that subject at the proper time. Nobody will make any mistake about where I stand.

Mr. GARNER. The gentleman from Colorado [Mr. MARTIN] undertook to criticise me for my position in this matter, and undertook to convey the information to the House that I was seeking this appropriation for the purpose of squaring me with my folks at home. If the gentleman will look at the RECORD of last Saturday he will see where the Sugar Cane Growers' Association of the Rio Grande Valley passed a resolution asking me to advocate this amendment long before the Democratic caucus acted on the question of sugar. So I say that the gentleman's insinuation is unjustifiable. It is unworthy of the gentleman from Colorado.

Mr. MARTIN of Colorado. I did not mean any unjust reflection upon the gentleman.

Mr. GARNER. I am sure the gentleman did not, but he did not know about this matter. The gentleman, in essence, accuses me of offering a buncombe amendment, as it might be termed, for the purpose of squaring myself with my constituents.

Why, Mr. Chairman, if I were in the position of the gentleman from Colorado [Mr. MARTIN], having two stations in his State now that are supplied with the $30,000 appropriation carried in this bill, I would be the last man to stand on the floor of this House and undertake to say that any other State in the Union that produces sugar as his State does should not have an appropriation, and that the gentleman who offered it offered it as a buncombe amendment and for the purpose of maintaining himself in Congress.

Mr. Chairman, I hope that the gentleman from Colorado [Mr. MARTIN] and his colleagues will come back to Congress, but I want to say to him this, that if my election and reelection to Congress depends upon the fact that I have got to bolt my party every time a question comes up that my State is interested in I will go home and stay there. [Applause.]

Mr. MARTIN of Colorado. Mr. Chairman, certainly——

Mr. RUCKER of Colorado. Mr. Chairman, the gentleman has made a reflection on my colleague, so far as his Democracy goes. Now, let me ask the gentleman from Texas [Mr. GARNER] this question: If the convention which nominated him as a candidate for Congress had instructed him how to vote on this proposition, what would he have done?

Mr. GARNER. If they had given me specific instructions, I would have voted in accordance with the instructions of my constituents. [Applause.]

Mr. RUCKER of Colorado. That is exactly what my colleague and I have done.

Mr. MARTIN of Colorado. Mr. Chairman, I hope that the chairman of the committee will give me a few minutes in which to address my friend from Texas.

Mr. LEVER. O Mr. Chairman, we can not afford this at all. I ask for a vote.

Mr. MANN. Mr. Chairman, I ask for recognition.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. MANN. Mr. Chairman, I am inclined to think that I will vote for the amendment offered by the gentleman from Texas [Mr. GARNER], although I am somewhat surprised that the gentleman from Texas reads a lecture to the gentleman from Colorado [Mr. MARTIN]. Why, here is the great Committee on Agriculture, the Democratic members being selected by a caucus and elected by the House, but the gentleman from Texas declines to follow them. He has bolted his party already in offering the amendment. As soon as it comes to him in his district he bolts the party action. He bolts the committee selected by the Democratic caucus and elected by the Democratic House. He is only human, like the rest of us. When it comes to what he wants himself, or what his district wants, rather, he is man enough to stand by his district to the extent of getting an appropriation, at least. [Laughter and applause.] And while he may cast another vote that will veto the effect of the appropriation which he proposes, I do not think it lies in his mouth, while he is offering an amendment to strike down the Committee on Agriculture in charge of the bill, to talk about somebody else's bolting the action of the caucus. [Applause on the Republican side.]

Mr. LEVER. Mr. Chairman, I ask for a vote.

Mr. LAMB. Mr. Chairman, I insist upon a vote.

Mr. MARTIN of Colorado. Mr. Chairman, I ask unanimous consent for one minute to address my colleague, the gentleman from Texas [Mr. GARNER].

Mr. LAMB. Then, Mr. Chairman, the colleague from Texas will want time.

The CHAIRMAN. The gentleman from Colorado [Mr. MARTIN] asks unanimous consent to speak for one minute. Is there objection?

There was no objection.

Mr. LAMB. Mr. Chairman, I hope you will confine it strictly to one minute. [Laughter.]

Mr. MARTIN of Colorado. Mr. Chairman, I will hold my watch in my hand. [Laughter.]

I want to say to the gentleman from Texas [Mr. GARNER] that, so far as his remarks are concerned with reference to my bolting my party, I am not disturbed on that score at all. I propose, when the proper time comes, to state where I stand, and when I do I can assure the gentleman that my statement will not require any diagram and will not contain any apologies. But, in addition to that, I want to say that personally I very highly esteem the gentleman from Texas——

Mr. MANN. Everybody does——

Mr. MARTIN of Colorado. And there is not even a thought in my mind or a feeling in my heart in the way of a reflection on his honesty or his integrity. We have merely indulged in a little passage of the harmless kind that occurs frequently in this House when gentlemen are in a tight hole. And some gentlemen here are in a tight hole; not only those who excused themselves from the caucus, but some that stayed in; and the opening presented could not be very well resisted. I alluded to the sugar bill, not the gentleman's amendment, as buncombe, and I heartily apologize to the gentleman from Texas if there was anything in my remarks that he feels reflected on him. [Applause.]

Mr. LAMB. Mr. Chairman, I call for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. GARNER].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. GARNER. Division, Mr. Chairman.

The committee divided; and there were—ayes 31, noes 53.

So the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I offer an amendment to come in as a new paragraph.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

For the investigation and improvement of sugar-producing plants, including their utilization and culture in the State of Wyoming, $5,000.

Mr. LAMB. Mr. Chairman, I make a point of order on that amendment.

Mr. MONDELL. Mr. Chairman, if there is any question about the point of order, I should like to be heard.

Mr. LAMB. I will waive the point of order and ask for a vote.

The CHAIRMAN. The question is on the amendment of the gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, I regret very much that the amendment offered by the gentleman from Texas [Mr. GARNER] was not adopted. It served a useful purpose, however, during its discussion, as illustrating some of the differences on the other side of the aisle, differences that we on this side of the aisle hope will continue to increase and widen.

The gentleman from Texas [Mr. GARNER], in spite of all temptation to be anything else, proposes to remain a Democrat, and he himself has said it. I do not know that it is to his credit, however, but I imagine that if the gentleman from Texas had had his withers wrung as the gentlemen from Colorado have up to this time in this Congress, he would feel slightly different. The bringing in of the free sugar bill, if that and the other tariff bills that passed the House could become laws, would finally complete the destruction of all the great industries of the Centennial State. Therefore it is not at all remarkable that the gentlemen from Colorado are somewhat disturbed over the past and present program of their party.

Mr. RUCKER of Colorado. Will the gentleman yield?

Mr. MONDELL. I am glad to.

Mr. RUCKER of Colorado. The gentleman has already stated one difference between the Members from Colorado and the Member from Wyoming. Will he not state also that there is a difference between the States of Colorado and Wyoming, in that Wyoming has not got any land upon which beets can be grown?

Mr. MONDELL. "The gentleman from Wyoming" was not aware that he had been comparing the Members from the State of Colorado and the Member from the State of Wyoming at all.

Evidently the gentleman from Colorado has not been listening to what I have been saying. I have rather been comparing the membership from Colorado with the gentleman from the great State of Texas, who proposes to stay by his party provided he can secure sufficient appropriations. We have, as I said a moment ago, at least a half million acres of land in the State of Wyoming that are first-class beet lands. We produced in our State last year several tens of thousands of tons of beets, some of which contained more than 22 per cent of sugar. Our State stands at the very top in the percentage of saccharine matter contained in her beets. We have the great Shoshone irrigation project on which the Federal Government may eventually spend as much as $6,000,000. Its prosperity depends upon the sugar-beet industry. We have many areas which are producing good crops of beets, and many peculiarly adapted to such production. I am so greatly disinclined to reflect on anyone's motives that I would have hesitated to say what the gentleman from Colorado [Mr. MARTIN] very truthfully, in my opinion, said, that the present program on the other side of the aisle touching sugar is one of pure buncombe; if the gentleman believed they could write on the statute books to-day the free-sugar law they propose, they would hesitate to do it. The gentleman from Colorado has said it is pure buncombe, and the gentleman is a truthful man. I accept his statement.

Mr. LAMB. I ask for a vote.

The CHAIRMAN. The question is on the amendment of the gentleman from Wyoming [Mr. MONDELL].

The question was taken; and there were on a division (demanded by Mr. MONDELL)—ayes 33, noes 57.

Accordingly the amendment was rejected.

Mr. HANNA. I offer an amendment.

The CHAIRMAN. The gentleman from North Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

For the study, investigation, and demonstration of the best methods of meeting the ravages of grasshoppers and chinch bugs, $20,000.

Mr. LEVER. I reserve a point of order on that amendment, Mr. Chairman.

Mr. HANNA. Mr. Chairman, I wish to say but a few words in regard to this proposed amendment. In the States of North and South Dakota, Minnesota, Iowa, and Wisconsin during the last year or two there have been ravages by the grasshopper. Those States have tried to do something in order to check their ravages and also to prevent the increase of the grasshopper. The grasshoppers lay their eggs in the ground; they hatch in the spring and do much damage there. Then, after they arrive at a certain age they are apt to leave and come down in clouds at other points. The States have tried by different methods to get rid of them by plowing the eggs under in the fall and by gathering the young hoppers in the spring and early summer with hopper dozers. They do a very large amount of damage. The State of Minnesota some years ago spent a great deal more money than I am asking for in this amendment for the purpose of destroying the grasshoppers by gathering them, and they paid $1 a bushel for them. They gathered thousands and thousands of bushels, which were gathered with hopper dozers.

If the Government takes up the proposition, as proposed under this amendment, they will endeavor to find a parasite that will destroy these grasshoppers.

Mr. MANN. Will the gentleman yield?

Mr. HANNA. Certainly.

Mr. MANN. Is not the gentleman's amendment addressed to the Bureau of Entomology rather than that of Plant Industry?

Mr. HANNA. There is a section in that part of the bill relating to this matter—in that part of this bill relating to the Bureau of Entomology—where a certain amount of money is appropriated for protecting cereal and forage crops. The larger part of this money is used to protect alfalfa and forage crops, but not wheat, barley, oats, and corn.

Mr. MANN. The gentleman would not expect the Bureau of Plant Industry to locate a parasite; that is the duty of the Bureau of Entomology.

Mr. HANNA. They might, or they might suggest some other or better method.

Mr. HAUGEN. Will the gentleman yield?

Mr. HANNA. Certainly.

Mr. HAUGEN. The gentleman's amendment is as much in order as the amendment to provide $330,000 to meet the ravages of the cotton-boll weevil. The two are on a par, and one is as much in place as the other.

Mr. MANN. That depends on what is intended.

Mr. AKIN of New York. Will the gentleman yield?

Mr. HANNA. Certainly.

Mr. AKIN of New York. Why does not the gentleman insert the word "bedbugs" in his amendment? [Laughter.]

Mr. HANNA. The gentleman may have those pests in his district in New York State, but we do not have them in North Dakota. [Laughter.]

The CHAIRMAN. The Chair will ask the gentleman from Virginia what is his point of order?

Mr. LAMB. That it is entirely new and not germane.

Mr. HANNA. Will not the gentleman let the matter come to a vote one way or the other?

Mr. MANN. Mr. Chairman, I ask unanimous consent to have the amendment again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again read the amendment.

Mr. LAMB. Mr. Chairman, I withdraw the point of order and ask for a vote.

Mr. HUGHES of New Jersey. Mr. Chairman, I would like to modify the amendment by the insertion of the word "insurgents," so that it will provide against the ravages of grasshoppers, chinch bugs, and insurgents. [Laughter.]

Mr. HEFLIN. Mr. Chairman, I would like to ask the gentleman from New Jersey why he does not include flying jinnies and doodles?

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota.

The question was taken, and the amendment was rejected.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by inserting, after line 26, page 21, the following:
"For the investigation and study of methods and testing plants, shrubs, brush, and trees which may be used for rubber making, $3,000."

Mr. LAMB. That is already provided for, and I ask for a vote.

Mr. RAKER. Mr. Chairman, may I ask the gentleman in what part of the bill it is provided for? We have been trying to get this investigation for years.

Mr. LEVER. I will say to my friend from California that the Department of Agriculture, without specific authority, acting under general appropriation and general authority, is now doing a great deal of experimental work in Florida in relation to the production of rubber, camphor, and so forth. I am sure that if the gentleman will get in touch with the department he will find out how much money is being expended and in what direction.

Mr. RAKER. Will the gentleman tell me how to get in touch with the department?

Mr. LEVER. Go there and see them.

Mr. RAKER. But suppose I am in touch and have been in touch, but am informed that there is no money and no provision. It is pretty hard to get in touch with the department when there is no money on hand for use for the purpose desired. They can not help you then.

Mr. LAMB. I think my friend is mistaken; there is no sectionalism down there.

Mr. MANN. The Botanical Garden is engaged in sending out rubber plants.

Mr. RAKER. The gentleman has not heard from me yet on this proposition. My purpose is not to send out rubber plants; it is not to produce plants; but it is the question of producing material and a method that can be had to supply the American market with rubber. It has been under private investigation in the West with some degree of success. It is thought that out of sagebrush the best rubber on earth can be made. We have asked the department to help us; individuals have gone into it and have given all the consideration to it they could, but they have not the money.

We would like to have tested the plants now in existence, the shrubbery that is being destroyed and burned. It is claimed that there is a large percentage of rubber in them which ought to be utilized, and it ought to be tested. It ought to be made commercial instead of being destroyed. If the department, by virtue of its experience in this matter, can send a couple of men into the West to make these investigations, is it not right, is it not proper, and ought not they to do it? I know that the committee is in favor of giving every advantage to improve the country and to get the value out of every product, every plant, tree, and shrub and brush that we have. Let us get that experience which there is in the department; let us get this matter determined.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Certainly.

Mr. MANN. Some gentleman sent me a statement the other day in reference to some report, or something of the kind, about extracting rubber from milkweed that grows wild and in great profusion. Will the gentleman's amendment cover an investigation of that, and can the gentleman state whether or not the Department of Agriculture has ever made any investigation of that product?

Mr. RAKER. The investigation would cover that. It would cover, also, the question of the investigation of sagebrush. Some people have given a good deal of study and thought to the matter, and at one time, a few years ago, it was determined to build a factory. They felt as if they had the process completed, but also felt, because they had not enough knowledge in regard to the matter, that they were not warranted in going on with the enterprise.

These people believed that there is material in sagebrush that can be extracted from it which will make as good rubber as is being used to-day. There are millions of acres of land with sagebrush upon it. Instead of destroying that, if it produces a material that will make rubber, ought not we to investigate the matter? Nothing will live upon that land now. No one knows any good that it will ever do. Why not find out what is in the sagebrush and other plants of that kind. You are spending money for every other condition. You are seeking to add new plants, and the very things that you have in the ground you are destroying and burning up, and you are not trying to find out if there is anything in them that is good. I am in favor of all of the new matters, but I believe we ought to utilize what we have. The people in these departments are very anxious and ready to do this. Let them go there. They can send two good men out there to make this investigation. I hope with an industry as great as the rubber industry involved, that the committee will be willing to stand by the amendment and spend at least $3,000 to have the matter investigated. This is a territory that covers over 20,000,000 acres of land, and if it has a growth now upon it, which at present is of no value, so far as we now know, but might produce good rubber, we ought to know it. Give the department the chance to experiment. They have done great things, are doing it now, and will continue to do it if they are properly encouraged and the funds are provided therefor. We should make that provision, appropriate the necessary funds, and the department will do the work. I hope the amendment offered by me will prevail.

Mr. LAMB. Mr. Chairman, the department did not ask for this, as active as is the Bureau of Plant Industry. If there was anything in this business they would have developed it. Dr. Galloway says that the Orient is the place for this work, and he thought the people of this country would better apply themselves to some other subject than the development of this matter. I sincerely hope that the Committee of the Whole will stand by the Committee on Agriculture and vote down the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For the study and demonstration of the best methods of meeting the ravages of the cotton-boll weevil, $332,960.

Mr. TRIBBLE. Mr. Chairman, I move to strike out the last word for the purpose of getting some information from the chairman of the committee. I see in this present appropriation there has been a cut from last year of about $18,000.

Mr. LAMB. Seventeen thousand and forty dollars.

Mr. TRIBBLE. What was the purpose of that cut?

Mr. LAMB. Of that amount $9,560 covers the transfer of nine employees to the statutory roll, $480 has been transferred to the appropriation for western agricultural extension, and $7,000 covers an item for rent which has been transferred to the special appropriation for that purpose, so that there is practically no reduction.

Mr. TRIBBLE. And the gentleman can state there is no reduction in this section of the appropriation so far as it is applicable to the boll weevil?

Mr. LAMB. That is correct.

Mr. TRIBBLE. This House voted Saturday last not to reduce the boll-weevil section of the bill. On this statement of the chairman I will not introduce this amendment which I prepared to restore the amount.

Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

For the investigation and improvement of methods of crop production under semiarid or dry-land conditions, $70,000.

Mr. RAKER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 22, line 5, strike out the word "seventy" and insert in lieu thereof the word "ninety."

Mr. RAKER. Mr. Chairman, this relates to the earlier investigation and improvement of methods of crop production in arid and semiarid farming. I have received petition after petition—have sent letters to the department in regard to this matter. They say they are ready, they are willing, to give their assistance if they can to improve the methods of dry farming and assist the farmer, but that at the present time they have no money with which they can extend their present operations. Now, I want to read the testimony in hearings, on page 74, given by Dr. Galloway.

The CHAIRMAN. Now, Doctor, "for the investigation and improvement of methods of production under semiarid or dry-land conditions, $70,000." This is the same as you had last year. Could you do with a slight reduction here?

Why, of course the doctor is going to say, "We will do the best we can." No doubt of that.

Mr. LAMB. He did not say that.

Mr. RAKER. Here is what he said.

Mr. LAMB. Give us what he said.

Mr. RAKER. I will read you what he said in regard to the matter:

Dr. GALLOWAY. I think not.

So he said he did not think he could get along with that.

Mr. LAMB. The gentleman has got the wrong construction there.

Mr. RAKER. Let me read this sentence.

Mr. LAMB. Read it without commenting, please.

Mr. RAKER. I always read all when I start to read it, if I have the opportunity.

Mr. LAMB. But you stop to preach after you read a sentence.

Mr. RAKER. I will read it when I get an opportunity, if the gentleman will not interrupt too long.

Mr. LAMB. Read.

Mr. RAKER. I will read it when I get in a position to start.

Mr. LAMB. Your time is passing.

Mr. RAKER. I know I am losing my time, but can not help it.

Dr. GALLOWAY. I think not, Mr. Chairman, because the demand for information from the arid districts is growing greater each year. The farmers are crowding into that country, and this work we are carrying on out there has for its object the securing of fundamental facts and the discovery of principles which will apply to dry-farming methods. Dry farming is of a different type from anything we are familiar with in the East, and what we are doing on the stations we have established is the working out of principles through crop rotations and through experiments. It is largely investigational, having for its objects the discovery of principles which will apply to dry-land conditions.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Chairman, I would like to have two minutes more.

Mr. RUBEY. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close in five minutes, and that two minutes of that time be given to the gentleman from California and the balance to the chairman of the committee.

Mr. HAUGEN. Mr. Chairman, I ask that the gentleman be given five minutes.

Mr. MANN. We want some time over here on this side of the House.

Mr. LAMB. Mr. Chairman, I amend the suggestion of my colleague of the committee, and I ask that all debate on this paragraph and amendments close in 10 minutes, the time to be equally divided between the two sides.

The CHAIRMAN. The gentleman from Virginia moves that all debate on the paragraph and amendments thereto be closed in 10 minutes, the time to be equally divided between the two sides.

The question was taken, and the motion was agreed to.

Mr. RAKER. Mr. Chairman, I want to say to the chairman of the Committee on Agriculture that I am interested in this, coming from the West and knowing the conditions in many of the Western States.

Mr. HAUGEN. Mr. Chairman, the gentleman seems to have given this subject a great deal of thought and consideration, and I would like to ask him this question, Does the gentleman believe that dry farming can be made a success?

Mr. RAKER. Oh, absolutely.

Mr. RUCKER of Colorado. There is no question about that.

A MEMBER. None in the world.

Mr. RAKER. Mr. Chairman, I want to say to the chairman of the committee I am new here, I am inexperienced and green, but I am interested in this matter in presenting it to the com-

mittee for consideration. I did it without any disrespect to him——

Mr. LAMB. I understand that.

Mr. RAKER. But when you have facts, when you have spent 34 years in the Western States traveling over that country and in most of them seeing what is being done and seen what can be done, I want to say that you will not stand idly here when you believe you can get legislation and an appropriation that will advance the farmer.

Mr. LAMB. But I insist that the gentleman ought to have come before the committee and seen the department about these matters. The gentleman coming here at this late day can not expect this committee to reverse the action of the Committee on Agriculture in reference to these matters.

Mr. RAKER. I am giving you here what the department had said and what the department had recommended——

Mr. LAMB. We gave whatever the Agricultural Department asked.

Mr. RAKER. It is no breach of faith to come in when the only way to bring the matter up is to get it here.

A crop that could not be produced upon these lands four and five and six years ago can be produced now by virtue of what information these people have received. I want to say to you to-day that five or six years ago there was land that could be bought for $5 an acre, that by virtue of the knowledge that people have received as to raising alfalfa you could not buy to-day for $200 an acre, and because it raises a crop that is worth that amount. And it is by virtue of the knowledge, it is by virtue of the information, it is by virtue of the tillage of the soil, and the virtue of the time of cutting the crop and handling it that we are able to get this result. And wherever you can extend this information to farmers in the Western States, which cover such a large territory of the country, it should be done. It is entirely different from the South. For six or seven months we never have one drop of rain. It is all dependent on the method and mode of cultivation of the kind of plants to be handled and the time of planting them. And I believe there is no appropriation of any amount in this bill that will do more good to build up 130,000,000 acres of land that belongs to the Government at this time.

Mr. SHACKLEFORD. I would like to ask the gentleman if the agricultural college of California has made any investigations as to what may be done in this dry farming, and if it is now carrying on any investigation?

Mr. RAKER. They are doing worlds of work and of vast value to the State, not only as to irrigated lands but lands that are not irrigated. They are sending demonstration trains all over California and spending large sums of money. They are also sending men out to farmers' institutes. But if the Government could cooperate with them, with the knowledge it has and the information it has gathered, we will receive just that much more information, that much more knowledge, and add more value to the West.

Mr. HAUGEN. Mr. Chairman, I want to say that I agree with the gentleman. If dry farming can be made a success, very well; we can well afford to appropriate money for that purpose. But if it can not be made a success, Congress is doing an injustice to those people who are moving into that country. We have been encouraging these people here to settle in arid and semiarid lands, and what has happened? Nothing but starvation stares them in the face. Are we going to appropriate hundreds of thousands of dollars here to encourage people to settle on these lands where there is nothing in store for them but the poorhouse? I may be mistaken, but, as I understand it, my friends, dry farming can not be made a success. Crops can not be grown without the moisture, and, without it, this appropriation is of no avail.

Mr. RAKER. Does the gentleman realize that about 30 years ago we first commenced to develop alfalfa in and about Reno? For 15 years in the northern counties they tried to make a success on this land where they had no irrigation and they could not get a bit of alfalfa, but, by virtue of experience since, they are getting to-day off of the same land that 10 or 15 years ago was worthless from 3 to 6 tons of alfalfa an acre every year, worth from $7 to $10 a ton, by dry farming.

Mr. MONDELL. Will the gentleman yield?

The CHAIRMAN. Will the gentleman yield to the gentleman from Wyoming?

Mr. RAKER. I was hoping to get some time to discuss this amendment.

Mr. MONDELL. I would like to answer the gentleman's question.

Mr. MANN. How much time remains, Mr. Chairman?

The CHAIRMAN. There are three minutes remaining of the time allotted by the House

Mr. MANN. The Chair did not call down the gentleman from California [Mr. RAKER], who had the floor. The Chair has not recognized anyone since.

The CHAIRMAN. The gentleman from California concluded his remarks and the Chair recognized the gentleman from Iowa [Mr. HAUGEN].

Mr. MANN. The gentleman from Iowa did not take the floor. He only asked a question in the time of the gentleman from California. We had a distinct understanding with the gentleman from Virginia [Mr. LAMB] that the gentleman from Wyoming was to have five minutes.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that I may have five minutes at the conclusion of the remarks of the gentleman from Iowa [Mr. HAUGEN].

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] asks unanimous consent that at the conclusion of the remarks of the gentleman from Iowa [Mr. HAUGEN] he may have five minutes.

Mr. HAUGEN. I think I can make that clear. I asked that I be recognized. I understood the gentleman from Wyoming [Mr. MONDELL] desired time, and I understood that I would only take two minutes; and if I have, I do not care to take up any more time. But if I may have time, I would like to answer the question propounded by the gentleman from California [Mr. RAKER].

Mr. RUCKER of Colorado. I desire to offer an amendment to this amendment, Mr. Chairman, and I ask three minutes in which to discuss it after the gentleman from Wyoming [Mr. MONDELL] is through.

The CHAIRMAN. The gentleman from Iowa [Mr. HAUGEN] has the floor. The Chair will ask the gentleman from Iowa if he had concluded his remarks?

Mr. HAUGEN. I wish to proceed. I would like to answer the gentleman from California. He has pointed out the wonderful results that have been accomplished through this dry farming. I want to answer him by saying I remember that appeal came up from "bleeding Kansas" a few years ago. I happened to be in one of the northwestern States last year, and I saw those people coming from that arid district in South Dakota, to which they went by the hundreds. They were out there engaged in dry farming. An appeal was made similar to that of "bleeding Kansas" a few years ago; and I believe that until we can ascertain and know that this money, when appropriated, can be judiciously expended and with some results, we should go a little slow in making appropriations for this work. That is all I have to say.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that I may proceed five minutes, as I yielded my time to the gentleman from Iowa [Mr. HAUGEN].

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] asks unanimous consent to speak for five minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, when I was a boy of 6 I moved West, with the family that had kindly given me a home, to northwestern Iowa. At that time a great many people were of the opinion that it would be impossible to conduct general farming operations successfully in that country. We suffered from drought; we suffered from too much rain; and for five years the grasshoppers, which my friend from North Dakota has been so eloquent in describing, destroyed the major portion of our crops. Of course those were hard times.

We have followed the development of the West to the summit of the Rocky Mountains since that time and on to the Pacific. I have seen the fluctuation of settlement back and forth. The tide of emigration pressed westward. The coming of years of drought temporarily drove the border settlements back. With the return of increased rainfall the settler again pressed forward. In each one of these forward movements something has been gained, the line of permanent settlement has always been placed a little farther west with each recurring movement of western settlements, until they have now reached the great plains of the Rockies and are confronting there the conditions that my friend has referred to as existing in California.

For the past two years; aye, for the past three years, we have been passing through a period of unusual drought, a period of less rainfall than the average for 20 years past. The result is that doubting Thomases, like my good friend from the State of Iowa [Mr. HAUGEN], comfortable and content in the rich territory in which they live, and not having the incentive to the development of the new territory that we have who live in it, would rather discourage than encourage the men who are now making the last final assault to conquer the American Desert.

It is true that the new settlers have suffered grievously. In the region that I live in are many farmers who have not raised

any crops at all for two years. The remarkable thing about it is that those men are still hopeful—infinitely more hopeful than my friend from Iowa—and while they are suffering, they are still courageous. They know that if the conditions of the last three years were to continue there would be no grass in that territory, to say nothing of there being no crops, and that the range industry would perish in that territory. But they know that the last two years have been extraordinary and unusual, and they know that while they may have to meet similar conditions occasionally in the future, yet if they could have the rainfall that we have had on the average for the last 20 years there are certain classes of crops which, with careful and thorough cultivation, can be produced at a profit. Men will not grow rich on those dry lands; but many thousands of comfortable homes will be established upon them, and to-day that territory has the most hopeful outlook for the average American settler. [Applause.]

Mr. LAMB. Mr. Chairman, the department asked for no more. We gave the department their estimate.

Mr. MANN. The debate is closed. Does the gentleman from Virginia desire some time?

Mr. LAMB. I ask for a vote.

Mr. RUCKER of Colorado. Mr. Chairman, can I now offer my amendment to the pending amendment?

The CHAIRMAN. The gentleman from Colorado can send his amendment to the Clerk's desk, but the debate on the paragraph is closed.

Mr. RUCKER of Colorado. My amendment is to strike out the word "ninety" and insert the words "one hundred." Now, Mr. Chairman, I want three minutes in which to discuss this proposition; only three minutes. [Cries of "Regular order!"]

Mr. MANN. Let the gentleman ask for three minutes.

Mr. RUCKER of Colorado. Mr. Chairman, I ask unanimous consent for three minutes.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California [Mr. RAKER].

The Clerk read as follows:

Amendment offered by Mr. RAKER: Strike out the word "seventy" in line 5, page 22, and insert in lieu thereof the word "ninety."

The CHAIRMAN. Does the gentleman from Colorado [Mr. RUCKER] desire to offer an amendment to that amendment?

Mr. RUCKER of Colorado. Yes.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Colorado [Mr. RUCKER] to the amendment offered by the gentleman from California [Mr. RAKER].

The Clerk read as follows:

Amendment offered by the gentleman from Colorado to the amendment offered by the gentleman from California: Strike out the word "ninety" and insert in lieu thereof the words "one hundred."

Mr. RUCKER of Colorado. Mr. Chairman, I ask unanimous consent for three minutes in which to discuss my amendment.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to discuss his amendment for three minutes. Is there objection?

There was no objection.

Mr. RUCKER of Colorado. Mr. Chairman, I am very sorry to see that my friend from California [Mr. RAKER] does not quite understand this proposition. I have been engaged for the last 30 years in what is known as dry farming or soil cultivation. It is not quite true that you can raise crops in this arid country by soil cultivation or otherwise unless you have some precipitation. It is absolutely necessary that there shall be precipitation and it is absolutely necessary for the farmer to know what to do with that precipitation. In the first place, he must have his ground thoroughly plowed, and he must be educated how to plow it and how deep to plow it, depending on the kind of soil he has to cultivate. Then immediately after the rainfall, as soon as the harrow will not stick in the ground, he must go over his field as quickly as possible, making a mulch over the field, thereby storing up the precipitation in the ground. The moment this pulverization is made the capillary attraction ceases, and you have stored in the ground a reservoir into which the plants put in the ground may afterwards send down their roots and get nourishment. It is true, as the gentleman from Iowa [Mr. HAUGEN] says, that time and again people have gone there and have had to go away. I said a few minutes ago, with respect to another amendment I offered, that it is true that probably after 5 or 6 or sometimes 10 years people have broken down in heart and left that country, but it does not follow that they will continue to do so. If this appropriation is made and if more light is thrown upon the question of soil culture, then, in my judgment, dry farming, as it is called, or what is more properly known as the Campbell system, will prove an entire success over that vast arid region.

Mr. LAMB. I ask for a vote.

The CHAIRMAN. The question is on the amendment of the gentleman from Colorado [Mr. RUCKER] to the amendment of the gentleman from California [Mr. RAKER].

The question being taken, the amendment to the amendment was rejected.

The question being taken on the amendment of Mr. RAKER, on a division (demanded by Mr. RAKER), there were—ayes 27, noes 50.

Accordingly the amendment was rejected.

The Clerk read as follows:

For studying methods of clearing off "logged-off" lands with a view to their utilization for agricultural and dairying purposes; for their irrigation; for testing powders in clearing them; and for the utilization of by-products arising in the process of clearing, in cooperation with States, companies, or individuals, or otherwise, $5,000.

Mr. MANN. I reserve a point of order on that paragraph.

Mr. LAMB. Mr. Chairman, this is new language in the bill, and I am sure gentlemen would like to hear a new voice on this subject.

Mr. MANN. Does the Chair understand that a point of order is reserved?

The CHAIRMAN. The Chair understands that a point of order is reserved.

Mr. HAWLEY. Mr. Chairman, the purpose of this paragraph is to enable the department to study the problem of the clearing up and utilization of the logged-off lands in the West. In some parts of the country from which I come large areas have been logged over, leaving the large stumps, the tops of the trees, and the trees that could not be used for making lumber. These lands had once a very heavy growth of timber, and the stumps generally are very large and numerous. The soil is very rich. Various endeavors have been made by individuals and private companies to clean off the land at a cost that would justify it. Owners of considerable areas have offered to sell the lands to private parties. Some have succeeded with the clearing process and others have not. In some parts of the West private companies have been organized, cooperative and otherwise, which have taken over the logged-off lands, and they are endeavoring to clear them off for purposes of cultivation. There are tens of thousands of acres of these lands. Various questions arise in the clearing of the land. Various methods have been tried, like the using of a steam donkey, collecting the logs in great piles around snags, but that method is too expensive for the ordinary man. He can not afford the expense. But the department has devised methods, like that of char pitting stumps, as well as other methods for clearing off the land at lessened expense.

The object of this appropriation is to extend these experiments further and to teach the owners of the land and those who may be willing to cooperate with the Government in the matter the best and least expensive methods for clearing them off. Also to communicate to the settlers the knowledge that the Government has acquired by actual demonstration work, as is done in the South in the boll-weevil work, and various other experimental works carried on by the Government.

Mr. RAKER. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. RAKER. Has the gentleman investigated the matter in the department to find out whether they have made any study of this subject?

Mr. HAWLEY. I have not investigated especially this particular question, but I have some other matters and know that they are investigating to some extent the matters provided for in this paragraph.

Mr. RAKER. But at the present time the department has made no investigation?

Mr. HAWLEY. On char pitting, yes. But the general subject has not been very thoroughly gone into.

Mr. RAKER. I am talking about getting rid of the stumps by powder.

Mr. HAWLEY. I do not know to what extent they have experimented with powder.

Mr. RAKER. That is an important factor in this matter. Would the gentleman have any objection to putting in after the word "agriculture" the words "horticulture and viticulture," and after the word "testing" the words "the use of," so as to read: "Testing the use of powder," and so forth?

Mr. HAWLEY. I have no objection to that.

Mr. RAKER. Is it not a fact that in the West with the new kinds of powder it is beginning to be realized that you can get a great benefit out of these lands very cheaply if proper testing is made for the purpose of clearing the land?

Mr. HAWLEY. I have no doubt that methods can be devised by which the lands can be cleared off at a low cost.

Mr. FITZGERALD. Will the gentleman yield?

Mr. HAWLEY. Certainly.

Mr. FITZGERALD. Outside of cleared land, not covered with timber, the lands that have been used for agriculture in the West are logged-off lands?

Mr. HAWLEY. I should think that would be a safe proposition, if I understand the gentleman correctly.

Mr. FITZGERALD. The gentleman does not believe in helping these speculative land companies that bought the land cheaply; there is no especial reason why the Government at this late day should go into such an enterprise as this?

Mr. HAWLEY. The problem on these lands is different from that on lands where the growth was small, and, of course, the stumps much smaller and more easily taken out.

Mr. FITZGERALD. Yes; it is a bigger question; it depends on the size of the stump. [Laughter.]

Mr. HAWLEY. There are no speculative companies that I know of. The States, I think, will assist in this matter; but there are hundreds and thousands of acres of this land, as rich as any land we have. I know of some land that is worth $500 an acre after it was cleared off, but, as I say, the cost of the clearing of these lands is prohibitive, generally, under present methods.

Mr. MANN. Will the gentleman yield?

Mr. HAWLEY. Certainly.

Mr. MANN. How is it proposed that this money shall be used; what is the project?

Mr. HAWLEY. It will depend upon the discretion of the department.

Mr. MANN. What is the proposition of the department in reference to it? This appropriation is only $5,000, and it can not be scattered over the universe. What do they propose to do with it?

Mr. HAWLEY. They will probably take a section in Washington, for instance, that is logged off and show the settlers how to char pit the stumps and to remove them; how to take out the stumps so that, for illustration, ship's knees may be made where the roots are long enough, and how to use other by-products, such as the timber that is left on the land suitable for paper making or for other purposes, and ascertain what other valuable products may be obtained. Information obtained in one place would be available for use in any part of the United States.

[The time of Mr. HAWLEY having expired, at the request of Mr. MANN it was extended five minutes.]

Mr. MANN. Do I understand that it is a part of the project to ascertain whether the stumps are suitable for making paper?

Mr. HAWLEY. No; there is a second growth on a good deal of the land.

Mr. MANN. And you want to cut off the second growth and see whether it is available for paper making?

Mr. HAWLEY. The second growth on some of this land is 100 feet high; it grows very rapidly.

Mr. MANN. But they do not need $5,000 to know how to cut these trees down.

Mr. HAWLEY. I was not laying so much emphasis on that as I was on the removal of the stumps and the other purposes I have mentioned. On the place in Washington I used for illustration they use the long roots of the stumps for ships' knees.

Mr. MANN. I think we are entitled to know something about this. Here is a proposition for $5,000, which, if it amounts to anything at all, will soon be $50,000 or $100,000. I think we ought to know what the project is and what it is intended to do.

Mr. HAWLEY. The purpose is to enable the department to go upon logged-off lands, examine and ascertain the cheapest methods of clearing them off, especially where they have very large stumps; to see what profit can be derived by the settlers while clearing out the stumps; and to teach the settlers how to char pit the stumps where that is possible; to teach them in the use of powder economically, what kind of powder can be used, and when and where it can be best used; and to aid in solving all the other problems that the settler will be confronted with in clearing such land. Sometimes the old logs are three deep, and where the ground is somewhat soft the lower one is buried almost entirely in the ground.

Mr. MANN. But all you can do with this money is to hire one man and to pay his expenses. What is the man going to do? He can not do these things that the gentleman has been telling about on $5,000. You can hire only one man to do this at that sum.

Mr. HAWLEY. The department can study the problem and determine the best and least expensive methods for the clearing off of these logged-off lands.

Mr. MANN. Here is a proposition to have the department study the subject of irrigation. The department has nothing to do with that subject and ought not to have. We have another branch of the Government studying irrigation. Then there is a provision for testing powders. Why, people have been testing powders, blowing up stumps, ever since we have had powder. Then there is a provision for the utilization of by-products arising in the process of clearing, in cooperation with States, companies, or individuals; that is, to have the Government go into partnership with some individual or company.

Mr. HAWLEY. The gentleman is in error there. One company has agreed to contribute to the Government a sum of money to assist in carrying on this investigation. They are willing to make a donation.

Mr. MANN. The gentleman said something about the use of the by-product for making paper. My particular interest in that proposition is that the gentleman's committee has reduced the amount for experimentation in reference to the use of wood in the manufacture of paper.

They now have at Madison, Wis., a wood laboratory that is making valuable search and research in connection with some of the paper mills in regard to the subject of using different kinds of timber for the production of ground wood pulp. The committee reduces the appropriation for that, where it can be useful, and they stick in a $5,000 appropriation here where the man who uses it will not know any more about paper than a mule does about heaven. I object to cutting off the appropriation where it can do good and putting it in where it can not do any good.

Mr. HAWLEY. If the gentleman will permit, no greater good can be done to the lands west of the Cascade Mountains—and I speak of those because I am more acquainted with them than with other lands—than for the Government to ascertain the most effective and cheapest methods of clearing up these lands and to teach such methods to the settlers by demonstration and otherwise. There are hundreds of thousands of acres of these lands, which are as fertile as any we have.

Mr. MANN. Is that not also true of Wisconsin and Michigan?

Mr. LAMB. Mr. Chairman, I ask for a ruling on the point of order.

Mr. FITZGERALD. Mr. Chairman, I insist upon the point of order.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. FITZGERALD. I make the point of order upon the ground that it is not authorized by law and consequently that it is legislation. There is no authorization in law for the work that is proposed to be done under this paragraph. There is nothing in the act creating the Department of Agriculture that authorizes the expenditure of public money in cooperation with States and individuals and private companies. It is clearly legislation.

The CHAIRMAN. Does the gentleman contend that the general purpose of the clearing of logged-off land for agricultural purposes has not been the existing law?

Mr. FITZGERALD. Mr. Chairman, it is clearly legislation to cooperate with States and companies and with private individuals.

The CHAIRMAN. The Chair is of the opinion that the general purpose of preparing logged-off lands for agriculture and studying methods of doing that would not be subject to a point of order, but that the provision for the cooperation with States, companies, or individuals would be new legislation. The point of order to the entire paragraph is therefore sustained.

The Clerk read as follows:

For investigations in connection with the utilization of lands reclaimed under the reclamation act, and other areas in the arid and semiarid regions, $69,600.

Mr. PAGE. Mr. Chairman, I move to strike out the last word, for the purpose of asking unanimous consent that the Delegate from Porto Rico [Mr. RIVERA] may extend his remarks in the RECORD upon the bill which was passed yesterday giving citizenship to the people of Porto Rico. He was unavoidably detained from the House at that time.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the Delegate from Porto Rico may be permitted to extend his remarks in the RECORD as indicated. Is there objection?

There was no objection.

Mr. RIVERA. Mr. Chairman, it is my duty, on expressing the opinions and the aspirations of the people of Porto Rico, whose interests and sentiments I represent in this House, to applaud and to support the bill now under consideration. I must declare that the majority, the large majority, of Porto Ricans are sincerely attached to the American Nation. And I must also declare that, should American citizenship be bestowed upon them, my countrymen will always feel grateful to

the American Representatives who through their action would give them a proof of confidence in their loyalty, and that they would enthusiastically, bravely, and proudly uphold their citizenship, identifying themselves with the new country to which their historic destiny has united them, loving and respecting the flag that protects their homes, doing honor by their civic conduct to the national family that receives them, and, finally, endeavoring to be the worthy sons of the America of Washington and Lincoln, not only because of their political condition but also because so impelled by the natural feelings of their souls, jaded and mortified up to the present time by indifference and injustice.

But it is also my duty, Mr. Chairman, to remark in addition, in plain and simple words, that Porto Ricans would not feel satisfied with American citizenship if American justice is not done them; if they are not granted full American rights, void of any qualifications that would mean inferiority to them. Originating from a race that, like your own, holds dignity dearer than life, the Porto Ricans will feel humiliated until you have abolished in the island a colonial system, under which the government is not founded upon the will of the governed and by which taxes are imposed without representation of those who are taxed. The executive council, a body that makes and executes the laws simultaneously and that alone fixes the salaries of public officials, is not elected by the people, its members being appointed by the Federal Executive power. And to you, gentlemen, I consider I need say nothing else in order that you may realize that no democracy, fashioned after American style, has been established in Porto Rico, and that our present form of government resembles more that of an autocracy of monarchical type. The principles founded by your Constitution do not reach the far-off possession on the bosom of the Caribbean Sea, extending not beyond Long Island and drowning in the deep waters of the Atlantic Ocean under the weight of bureaucratic ambitions.

We never were, nor are we now, radical in our demands for reform. The Filipinos are struggling for absolute independence; the Porto Ricans are contending for self-government, which they are longing to exercise and which they would know how to practice under the shadow of republican institutions. Should you consider us worthy of your citizenship, you should not deem us unworthy of the administration of our affairs, allowing us to make and enforce our own laws. I do not doubt that the grant of citizenship would open, in a frank and friendly manner, an era of fraternity between the Americans of Porto Rico and the Americans of the continent, an era of liberty—absolute liberty—of autonomy—complete autonomy—for the Americans of Porto Rico.

And permit me, gentlemen, to assert that, when I express this profound conviction of my soul, I base myself on your practical sense of political realities. You have at the south of your great Nation 20 Republics closely looking upon the one at the north, alert as to your actions, in order to manifest their kindly feelings or to restrain them.

The providential mission of the United States in America will not be fulfilled until there irradiates from this Capitol an effective and powerful influence that may secure to the United States the amplest moral and commercial hegemony from the Great Lakes to the Strait of Magellan. Your future development requires that your influences extend to such a range, for the commerce and industries of the United States will demand such a vast market. By enacting the independence of Cuba you gave an admirable example of generosity and altruism; she is free and happy because you made her so. Let it be added to the gratefulness of the Cubans, the gratitude of the Porto Ricans, who you can make happy and free as well as under your sovereignty. Then you would prove that you still are what you always were in the past—a people entitled to God's favors, not for their power, which is great, but for their devotion to the principles that helped them to conquer their independence and to maintain and to increase their prestige throughout the world.

The Porto Ricans, as all men on earth, love national independence. To all solutions they prefer that which would make them an independent and sovereign nation. But they are an intelligent people; they are thoroughly acquainted with the obstacles that would bar the success of their paramount ideal. Actuated by their patriotism, they are at present moved to fight for practical reforms that may allow them to insure their predominance in the affairs of their country. Besides, we have faith in the American people solving our insular problem promptly and generously. But do not let this faith be lost lest all Porto Ricans would ask you to do by them as you did by the Cubans, under identical conditions, that the island be delivered to her sons.

I do not consider this the proper time to discuss the grounds upon which the people of Porto Rico base their right to self-government. That opportunity will come later on. I rise to speak in this House for the first time, and I feel that I ought to mention that which is most longed for by my country and that which would be the source of the greatest advantage to yours. What suits you is not incompatible with that which we desire. These ideas are in perfect harmony with each other; they stand for solutions that coincide in mutual benefit, because they will allow you, first, to be consistent with your principles and history, and secondly, to gain for yourselves the confidence of the Latin-American countries. This is the only means, gentlemen, through which you will be able to widen, upon an equitable basis, the power of your country, which will be our country when you open us your doors to enter and when you have introduced in our cities and in our villages your American democracy.

Do not forget, gentlemen, that such is our right and that such is your duty.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting after the word "of," at the end of line 13, page 22, the following words: "and for studying methods of clearing off," and strike out the word "reclaimed" in line 14, page 22.

Mr. MANN and Mr. FITZGERALD. Mr. Chairman, I reserve the point of order.

Mr. RAKER. Mr. Chairman, I want to call the attention of the committee to the uselessness of spending money for the purpose as it now appears in the bill. I want to read it as it stands now:

For investigations in connection with the utilization of lands reclaimed under the reclamation act.

Now, let us stop right there. Lands reclaimed means lands grubbed, plowed, ditched, and irrigated.

Mr. MANN. That does not make any difference; there is more trouble after the land is irrigated than anything else.

Mr. RAKER. Mr. Chairman, let us see for a moment. That is done for the purpose of giving a man the benefit, for the purpose of putting him in a condition where he shall not expend his money uselessly; that he will not grub up poor land first and put ditches where they ought not to be and cut down knolls and hills from his land. If you strike out the word "reclaimed," then you have investigations in connection with the utilization of lands under the reclamation act. If you put it before he has made his reclamation, you will spend your money to show him how to clear it, how to ditch it, how to level it, and how to put it in shape, and when he gets his water on it he will have the ditches, he will have it plowed, he will have it leveled, and in proper shape, but now you say that you investigate the land after he has leveled it, after he has plowed it and ditched it and put water on it. Why not make this investigation of the land under the reclamation project?

Mr. LAMB. Now, my mind ran pretty much in the line of the gentleman, and I asked this question:

The CHAIRMAN. The next paragraph seems to relate to nearly the same thing. "For investigations in connection with the utilization of lands reclaimed under the reclamation act, $69,600."

Dr. GALLOWAY. We are familiar with the fact that the Reclamation Service is spending a good many millions of dollars in putting water on certain of their large projects. This problem is an engineering one, and when the water is on important agricultural problems arise. Now they call upon us to help them in the agricultural work, and we have established on these reclamation projects stations where we are conducting investigations to aid and guide the settlers who come in and take up this land and use water. In the item above we deal with dry farming; in this item it is an irrigated farm.

Mr. RAKER. That is the point. Let me call the Chairman's attention to it. A man goes and plows on 160 acres of this land, or 80 acres of it, and he starts in to improve it. Is it not better for him to receive the advantage of how that should be cleared, how it should be leveled, how it should be ditched, than to wait until he has spent all his money and then tell him how he ought to have done it? Let them give him the information in the first instance. That is what I am seeking, and I am satisfied that the department will be more than ready and anxious to give that assistance if we strike out the word "reclaimed" and leave it "lands under the reclamation project."

Mr. LAMB. Now, here is another of the same questions I asked before of my friend. The gentleman should have gone and consulted Dr. Galloway, and if in his judgment that would have answered the purpose better than the other and meet the gentleman's wishes, he would have done it, very likely—I do not say positively—but the gentleman comes here now and asks us to make this change in language which we are not prepared to say is the best language or not.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAMB. I ask for a vote.

The CHAIRMAN. Does the gentleman withdraw his point of order?

Mr. LAMB. I withdraw the point of order and ask for a vote.

Mr. MANN. As I understand the point of order, it is that the gentleman proposes to put another proposition in the paragraph.

Mr. LAMB. That is what I claim, and I do not think the committee will stand for it.

Mr. RAKER. I want to make this suggestion to the gentleman from Illinois, that all land that is subject to irrigation or reclamation under the reclamation project must, if the law is carried out, eventually be reclaimed. Reclamation means irrigation.

Mr. MANN. Suppose it is reclaimed. This is a question of utilizing the land reclaimed, and the moment it is reclaimed it is like land in the gentleman's State or my State; it is plowed up and it is under cultivation.

The question comes as to how is the best way to utilize it, and out there they need them to meet these problems at once that are not met anywhere else. With alkali lands various propositions come up as to what can be raised on the soil under irrigation. It is just as important to study that as it is to study the use of the soil anywhere else. It has to be utilized. People go out under the impression that they can go on a piece of irrigated land—an impression gained through the advertisements that they get—and turn the water on and off as they please, and raise such crops as they please. There is nothing further from the truth.

Mr. RAKER. Will not the gentleman from Illinois yield to a question?

Mr. MANN. Certainly.

Mr. RAKER. Is not the very purpose of the Government's reclamation project that of putting every acre of land that is included in the project of irrigation under actual cultivation and irrigation?

Mr. MANN. Assume that that is the case, then what?

Mr. RAKER. Now, the question is, Ought not these men that file upon this land before it is plowed and cultivated and irrigated to have the information of how to get that land in shape and what they could use it for? They could test it just as well before it is plowed and irrigated, and even better, than afterwards.

Mr. MANN. That is where the gentleman is mistaken. There is not an irrigation project in the United States where they can tell in advance of irrigating the land just what conditions they will meet after the land is irrigated and cultivated.

Mr. RAKER. Oh, yes; by examination of the soil and analysis of the water——

Mr. MANN. My information comes from scientific gentlemen who tell me that, but I do not know whether they are correct or not.

Mr. RAKER. My information is from the University of California as to the soil, and atmosphere, and water, and you can not get any better information than that.

Mr. MANN. We are just beginning to discover that it is not a simple problem.

The CHAIRMAN. What is the ground of the gentleman's point of order?

Mr. LAMB. I make a point of order against it——

Mr. MANN. I thought the gentleman withdrew the point of order and asked for a vote on it.

The CHAIRMAN. What is the ground of the gentleman's point of order?

Mr. LAMB. I waived the point of order and asked for a vote.

Mr. MANN. The gentleman proposes to strike out the word "reclaim" and make this apply to the reclamation act, not merely the utilization of land. But I forget what the expression was which was used by the gentleman.

Mr. RAKER. "For investigations in connection with the utilization of land under the reclamation act." Now, that includes every acre.

Mr. MANN. That was not what the gentleman had in his amendment.

Mr. RAKER. I had first "the methods of reclamation and studying methods of clearing off lands under the reclamation act."

Mr. MANN. Which is the gentleman's amendment?

Mr. RAKER. To include after the word "of," in line 13, "studying methods of clearing off," and striking out the word "reclaim," in line 14.

Mr. MANN. Mr. Chairman, I insist that is subject to a point of order. That would read, "for the studying of methods for clearing off land under the reclamation act." Is that what the gentleman means? Does he mean lands under the reclamation act?

Mr. RAKER. Yes; all lands that may be under the reclamation act.

Mr. MANN. There is no provision under the reclamation act for that. The question of studying lands under the reclamation act would be for studying lands in accordance with the reclamation act.

Mr. RAKER. Oh, no.

Mr. MANN. That is what it means.

Mr. RAKER. The only question is that you let them study the land after it is reclaimed instead of studying it before it is reclaimed. That is all there is to it.

Mr. MANN. If the gentleman means the study of all land which may be in some way affected by the reclamation act and the clearing off of that land, of course it applies to a vast quantity of land not owned by the Government?

To study the clearing off of private lands would be subject to a point of order, in my opinion, and we have no right to make an appropriation for that purpose if gentlemen propose to study the clearing off of private lands.

The CHAIRMAN. The Chair is of opinion that to strike out the word "reclaim" might go beyond anything that could be called purely agricultural. The point of order is therefore sustained.

Mr. HAWLEY. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk and ask to have read. It is to be inserted after line 16 of page 22.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oregon [Mr. HAWLEY].

The Clerk read as follows:

After line 16, page 22, insert the following: "For studying the methods of clearing off 'logged-off' lands with a view to their utilization for agricultural, horticultural, viticultural, and dairying purposes, and for the utilization of by-products arising in the process of clearing, $5,000."

Mr. LEVER. Mr. Chairman, I make a point of order against the amendment.

Mr. FITZGERALD. I make a point of order against that, Mr. Chairman.

The CHAIRMAN. What is the gentleman's point of order?

Mr. FITZGERALD. I make the point of order, Mr. Chairman, that it is not in order, first, because it is not germane in this portion of the bill. These items are under the Bureau of Plant Industry, and the item for clearing off "logged-off" lands is not germane to the work of the Bureau of Plant Industry.

Mr. RAKER. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from California?

Mr. FITZGERALD. Yes.

Mr. RAKER. I wish to ask the gentleman from New York this: If they do that for the purpose of agriculture, is it not the same as studying the effects of the boll weevil upon cotton?

Mr. FITZGERALD. That has nothing to do with this question. We are discussing the question whether, under the rules of the House, this amendment is in order at this particular point. Then, Mr. Chairman, whatever may be said as to whether the study of the methods of clearing off "logged-off" lands with a view to their utilization for agricultural purposes comes within the authority conferred upon the department under the organic act, certainly investigations for the utilization of by-products arising in the process of clearing are hardly investigations which are to be utilized in the advancement of agriculture.

I insist that there are a number of decisions which hold that even if a particular item be germane to the bill itself, it must be offered to that portion of the bill to which it is germane. The items now under consideration by the committee are under the general heading of the "Bureau of Plant Industry," on page 15 of the bill. Unless this item is germane to the work of the bureau it is not in order at this place. [Cries of "Rule!" "Rule!"]

The CHAIRMAN. To what division of the bill does the gentleman think this amendment should apply?

Mr. FITZGERALD. I am not required to answer that question, Mr. Chairman. This part of the bill, however, refers to the Bureau of Plant Industry, which has certain definite functions. This proposed provision is to enable an investigation to be made for the purpose of studying methods of clearing off "logged-off" lands. It is hardly proper or necessary for me, in order to sustain the contention that I make, that this amendment is not in order at this point, to furnish information to gentlemen as to what particular part of the bill it would be in order upon. Those questions can be determined as they arise.

Mr. HAWLEY. Mr. Chairman, it seems to me that this amendment is germane to this portion of the bill, inasmuch as the Department of Agriculture deals with the question of the utilization of soils and the growing of plants and trees and all other matters relating to products from the soil. It is just as

germane as the paragraph before it, which has always been held to be in order.

As to the point made against the second portion of the paragraph, regarding by-products, that is just as germane as the fiber-plant investigation, the investigations of corn fiber for making paper, or a thousand other investigations that the bureau is carrying on.

Mr. FITZGERALD. The gentleman does not consider that the investigation of methods of clearing logged-off lands would properly come within the jurisdiction or the province of the Bureau of Plant Industry?

Mr. HAWLEY. I still maintain that the question of utilization of the by-products, whatever they may be, stumps or second growth, and so on, so that the greatest advantage may be derived from such lands, is just as germane to this portion of the bill as the utilization of corn fiber, flax fiber, or a thousand other investigations which the Bureau of Plant Industry is constantly making, and I insist that the amendment is in order.

The CHAIRMAN. The Chair is of the opinion that the study of methods of preparing logged-off lands for agriculture, horticulture, and so forth, would be within the general scope of agricultural purposes and would be germane to this bill at some place in it. With the single exception of the dairying purposes mentioned, all of the purposes mentioned are connected with the plant industry.

The point of order is overruled. The question is on the amendment of the gentleman from Oregon [Mr. HAWLEY].

Mr. FITZGERALD. Mr. Chairman, I hope this amendment will not be adopted. If there be any department of the Government which is active in prosecuting investigations of value to those interested in agriculture, it is the Department of Agriculture. If there be any department of the Government which is quick to request Congress for assistance in order to enable it to conduct investigations which would be valuable to those interested in agriculture, it is the same department. No estimate was submitted for this appropriation. No request is made by the Department of Agriculture for this appropriation, but, according to the statement of the gentleman from Oregon [Mr. HAWLEY], it appears that certain land companies in the Northwest and the far West have bought up great tracts of land over which the lumbermen have conducted their operations, and it is now desired that the assistance of the Federal Government be given to enable them to determine how best they may utilize the lands and best dispose of the property. It seems to me that there must be some place where the line should be drawn. There should be some point at which those who have acquired lands or have some interest in lands shall bear the expense incident to their ownership, without saddling the entire cost on the Federal Government.

Mr. HAWLEY. My purpose in mentioning the lumber company was because, as I explained later, that one company had agreed to contribute to the assistance of the Government in making these investigations. If the department was authorized to make the investigations, they agreed to contribute a sum of money just as a donation, which they could not make if the department was not authorized to make the investigation.

Mr. FITZGERALD. I understand the position of the gentleman. The provision as originally incorporated in the bill provided for cooperation not only with companies but with States and individuals. If this land company desires this investigation, why should it not hire the experts rather than ask the investigation made by some one connected with the Department of Agriculture and thus utilize the department and its investigation for the purpose of advertising the lands for sale much to the misfortune very likely of those who will be induced to invest in them? The inquiry now being conducted as to certain investigations made by the Department of Agriculture regarding the value of lands under certain conditions in certain portions of the country should at least induce this House not to encourage a possible repetition of the same conditions.

Mr. SLAYDEN. Will the gentleman yield for a question?

Mr. FITZGERALD. I yield.

Mr. SLAYDEN. Do I understand that these lands have been bought by corporations and others and that they now want the Government, at public expense, to show them how to make money out of their enterprise?

Mr. FITZGERALD. That seems to be the project. Here are these lands upon which there has been heavy timber. The timber has been cut and, unlike the early pioneers in this country and others who have acquired lands upon which the timber was standing and from which it has been cut, instead of clearing the lands and utilizing them for agricultural purposes, these owners believe that because the stumps are somewhat larger in these particular sections than they were in others that they should have the assistance of the Federal Treasury and Federal experts to do what all other classes of persons interested in land have done from the very first settlement of this country. It seems to me we ought to halt at some place, and this is one place. The department not having found any necessity for this enterprise, not having requested the appropriation, not having estimated for it, it seems to me the committee should not force the appropriation upon the department.

Mr. SLAYDEN. Mr. Chairman, I do not understand the reasonableness of this suggestion. In my own State, where the Government owns no land and never has, there are millions of acres of these cleared lands, of what was timberland that has been cut off, denuded of the commercial timber, that has gone into farms. It is sold to farmers. Cotton and other produce is grown on it, and they never thought, as far as I am advised, of asking advice from the Government, or from any other source, as to how they were going to work to cultivate the soil and make a living. I can not see how the people of the West should require any more information than they do in Texas.

Mr. SHACKLEFORD. Mr. Chairman, I would like to ask the gentleman from Oregon a question.

Mr. HAWLEY. The gentleman will have to get the permission of the gentleman from Texas, who has the floor.

Mr. SLAYDEN. Go ahead.

Mr. SHACKLEFORD. In Missouri we sometimes blow the stumps out with dynamite and sometimes we pull them out with a stump puller.

Mr. HAWLEY. How are you going to pull out a stump that is 12 feet in diameter with a stump puller?

Mr. SLAYDEN. Dynamite will do it.

Mr. HAWLEY. That is what we want to find out, what is the best way.

Mr. SLAYDEN. Oh, I will tell you that and save the $5,000. [Laughter.]

Mr. HAWLEY. Now, the gentleman from Texas asked the gentleman from New York a question a moment ago which was hardly fair to the situation in the final result.

Mr. SLAYDEN. The unfairness was in the reply of the gentleman from New York, not in the question, I hope.

Mr. HAWLEY. I say in the result. The lands are owned, as you know, by large companies, who have cut off the timber and have no further use for them.

Mr. SLAYDEN. They do not give them away, do they?

Mr. HAWLEY. No; they have sold some and some have gone to the county for taxes; they have not paid the taxes on them. They are lying waste and idle. Large areas have passed into the hands of private ownership for grazing purposes. They are rich lands and are valuable if they can be cleared at a reasonable cost. Is it any more unreasonable to ask the Government to instruct us how to utilize these lands than it is for the Government to instruct the farmers in the South—which I am heartily in favor of—how to guard against the ravages of the boll weevil or the Texas cattle tick?

Mr. SLAYDEN. I will say, in all frankness, that long ago I came to the conclusion that the investigations of the Government with reference to the boll weevil were not very valuable. I do not know so much about the investigations in regard to the cattle tick.

Mr. HAWLEY. We make a large appropriation for that purpose, and it is no more unreasonable for us to ask for this service than it is to appropriate for that service. These lands would be worth $500 an acre if cleared.

Mr. SLAYDEN. Then I would spend that $5,000 myself, if I was the owner.

Mr. HAWLEY. Well, it might cost that amount to clear 1 acre of land.

Mr. RAKER. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, in relation to the statement made by the gentleman from Oregon, I want to say that he has made it clear and specific as to the difference of these lands and those where small trees have grown. You go into the redwood district and you will find trees or the stumps of them 12 to 28 feet in diameter. How does that compare with little trees 2½ feet or 18 inches in diameter? These men have been experimenting for years. These lands are owned by private owners, and we want to show them how to improve the rest of the land. They have been advised to blow these stumps out, and have tried it, but they have not made a success. Why should not the Government give some assistance to the owners of these lands and assist them in information as to how to till their soil to make it more valuable just like you do in every other item in the bill? Reading back for five pages you will find every one of these items is for the purpose of showing the farmer how to do better work.

Mr. FITZGERALD. Will the gentleman yield?

Mr. RAKER. Certainly.

Mr. FITZGERALD. Does the gentleman think that anybody who owns 160 acres of land from which has been cut redwood timber 28 or 30 feet in diameter is in any great necessity for assistance from the Government as to how to utilize that land?

Mr. RAKER. In what way?

Mr. FITZGERALD. Financially.

Mr. RAKER. The owners of the land and of the timber that has been cut off have moved to Wall Street. The man that owned the land is not there now.

Mr. FITZGERALD. He has more sense than the man who remains there.

Mr. RAKER. No; he has not. The bone and the sinew is in the country. The men in this country are working to build up the country, raising stuff by which we can supply those living in the large cities. You have spent over a million dollars for investigations here, and the very time you come to a new one, when you come to hundreds of thousands of acres of this redwood land in California and Oregon, then you raise the cry of private ownership; yet when we turn back to the very next item above this we find you expending $69,000 for investigating private lands under reclamation projects. Why can you not expend $5,000 to investigate lands in redwood and spruce stumps?

Mr. LAMB. Mr. Chairman, I move to close debate on the pending paragraph and all amendments thereto.

The CHAIRMAN. The question is on the motion of the gentleman from Virginia to close debate on the paragraph and all amendments thereto.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Oregon.

The question was taken; and on a division (demanded by Mr. HAWLEY) there were—ayes 17, noes 26.

So the amendment was rejected.

The Clerk read as follows:

For continuing the necessary improvements to establish and maintain a general experiment farm and agricultural station on the Arlington estate, in the State of Virginia, in accordance with the provisions of the act of Congress approved April 18, 1900, and for other general horticultural investigations, $36,920.

Mr. MANN. Mr. Chairman, I move to strike out the last word. What has become of the testing garden at Brownsville?

Mr. LEVER. Mr. Chairman, I will say to the gentleman from Illinois that it is carried in another part of the bill under the language of the introduction of foreign seeds, plants, and the like.

Mr. MANN. Why should it be transferred to an indefinite appropriation, where nobody can locate it, instead of having a definite appropriation in the bill that is specific?

Mr. LAMB. For the reason that the South Texas garden is conducted under the office of foreign seed and plant introduction and stands on the same basis as the other gardens conducted by that department. The proposed change is in the interest of good and better administration.

Mr. MANN. On what page is the other item?

Mr. GARNER. Mr. Chairman, may I ask the chairman of the committee a question?

Mr. LAMB. Certainly.

Mr. GARNER. It is not the intention of the committee to abandon the work being done at the South Texas garden, is it?

Mr. LAMB. No.

Mr. MANN. That remains to be seen.

Mr. GARNER. That is what I concluded. Possibly, if you get the discretionary power placed in the Agricultural Department, there might be some question about this.

Mr. MANN. I want to see whether they have increased the appropriation anywhere else. It is easy to say that a thing is transferred. Where is the appropriation that covers it?

Mr. LEVER. I will read from the hearings:

Mr. LEVER. I notice at the bottom of page 31 an increase from $52,000 to $58,000.

Dr. GALLOWAY. That is owing to the fact that we took the Brownsville garden item and combined it with the seed and plant introduction work, where it properly belonged.

Mr. MAGUIRE. Do you gather those seeds from all over the country and from different sections of the country—different climatic conditions? What is your method of gathering seeds?

Dr. GALLOWAY. For the ordinary congressional distribution——

Mr. MANN. Permit me to interrupt. The appropriation for Brownsville testing station is $11,260. In the first place, you have reduced the amount for seeds from $289,000 to $285,000, and that is what you propose to have take care of the Brownsville testing garden, although the appropriation is reduced. Out of that you propose to have $58,740 for the foreign introduction of plants, and so forth. That is an increase of $5,250, or thereabouts, over the present appropriation, which is not sufficient to take care of Brownsville. What is proposed to be done?

Mr. LAMB. I asked that question:

The CHAIRMAN. "For the maintenance of a testing garden"—you leave that out.

Dr. GALLOWAY. Yes; we have combined this garden originally at Brownsville with the foreign seed and plant introduction work.

I read now from the Project Book:

This work includes the propagation of such new plant material as can be distributed from Brownsville to any part of the Gulf coast and other regions in the South—the testing out of such plants as have a good chance of succeeding in that portion of Texas.

If he did not have sufficient money to do this, I claim that he would not have been preparing his plans, and these are nothing but his plans, for doing it. It is a blanket appropriation, and we can not say exactly what Dr. Galloway proposes, but we know he has the matter well in hand.

Mr. MANN. Let us get down to brass tacks on this and see. The appropriation referred to is included in the appropriation for congressional seed, part of the same appropriation. In the first place, you segregate out of the congressional appropriation a certain amount for foreign-plant introduction. Now, you have reduced the appropriation for both purposes in this bill from existing law, although the present appropriation does not include the $11,200 for Brownsville. You make an appropriation for congressional seed and for the foreign-plant introduction, including Brownsville, and make the appropriation less than it is now, although the present appropriation does not include Brownsville. I want the gentleman to explain that if he can.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. In answer to the gentleman from Illinois, it seems we are not able to lay our fingers on the very proposition——

Mr. MANN. I can lay my fingers on the proposition we are talking about; that is at the top of page 26.

Mr. LEVER. At the top of page 26, where the appropriation is $58,000.

Mr. MANN. That is the appropriation that Dr. Galloway is talking about; that is the foreign-plant introduction appropriation, and that is the one segregated from the congressional seed appropriation. If you have given all that they ask, I have not anything further to say.

Mr. LEVER. I will say, as a matter of fact, we have given every cent on that proposition that they have asked. I can not put my finger on the exact explanation of it, but in good conscience I will say to the gentleman we have given every cent asked on that proposition.

Mr. GARNER. If I understand the gentleman, there is no intention of abandoning the work at the Brownsville garden?

Mr. LEVER. Absolutely none.

Mr. LAMB. I can further answer the gentleman—is the gentleman satisfied?

Mr. MANN. I am satisfied until we get to the item where it comes up.

The CHAIRMAN. The pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

Purchase and distribution of valuable seeds: For purchase, propagation, testing, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, postal cards, gas, electric current, rent outside of the District of Columbia, official traveling expenses, and all necessary material and repairs for putting up and distributing the same; for repairs and the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere, $285,680, of which amount not less than $226,940 shall be allotted for congressional distribution. And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase, testing, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated, and such seeds so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States. An equal proportion of five-sixths of all seeds, bulbs, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates to Congress for distribution among their constituents, or mailed by the department upon the receipt of their addressed franks, in packages of such weight as the Secretary of Agriculture and the Postmaster General may jointly determine: *Provided, however,* That upon each envelope or wrapper containing packages of seeds the contents thereof shall be plainly indicated, and the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each Member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents: *Provided, also,* That the seeds allotted to Senators and Representatives for distribution in the districts embraced within the twenty-fifth and thirty-fourth parallels of latitude shall be ready for delivery not later than the 10th day of January: *Provided, also,* That any portion of the allotments to Senators, Representatives, and Delegates in Congress remaining uncalled for on the 1st day of April shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress, and who have not before during the same season been supplied by the department:

And provided also, That the Secretary shall report, as provided in this act, the place, quantity, and price of seeds purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, testing, propagation, and distribution of valuable seeds, bulbs, mulberry and other rare and valuable trees, shrubs, vines, cuttings, and plants: *Provided further*, That $58,740 of which sum, or so much thereof as the Secretary of Agriculture shall direct, may be used to collect, purchase, test, propagate, and distribute rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants from foreign countries or from our possessions for experiments with reference to their introduction into and cultivation in this country, and same shall not be distributed generally, but shall be used for experimental tests, to be carried on with the cooperation of the agricultural experiment stations.

Total for Bureau of Plant Industry, $2,089,900.

Mr. MANN, Mr. PAGE, and Mr. LAMB rose.

Mr. MANN. Mr. Chairman, I suggest the absence of a quorum.

Mr. PAGE. Mr. Chairman, I desire to offer an amendment.

Mr. LAMB. I move that the committee rise.

Mr. PAGE. Will the gentleman permit my amendment to be read?

Mr. LAMB. I will withdraw the motion for the present.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the paragraph beginning on line 16, on page 23, and ending with line 10, on page 26, and insert in lieu thereof the following:

"Purchase and distribution of rare and valuable seeds and plants: For purchase, propagation, testing, and distribution of rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants from foreign countries or from our possessions for experimenting with reference to their introduction into and cultivation in this country, and same shall be used for experimental tests, to be carried on with the cooperation of the agricultural experiment station, $58,740."

Mr. LAMB. Mr. Chairman, I reserve a point of order.

Mr. MANN. It is not subject to a point of order.

Mr. PAGE. I do not think it is subject to the point of order.

Mr. LAMB. Mr. Chairman, I move that the committee do now rise.

The question was taken, and the motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the Chair, Mr. BORLAND, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 18960, the Agriculture appropriation bill, and had come to no resolution thereon.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 13570. An act to amend an act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May 30, 1908.

LEAVE OF ABSENCE.

By unanimous consent, Mr. CONNELL was granted leave of absence for 10 days, on account of illness in his family.

EXTENSION OF REMARKS.

Mr. ANDERSON of Ohio. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. LEVER. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. In connection with the request of the gentleman from Ohio [Mr. ANDERSON] I ask that the gentleman from California [Mr. HAYES] also have consent to extend his remarks.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none and it is so ordered.

SOME OF PRESIDENT TAFT'S PROGRESSIVE POLICIES.

Mr. HAYES. Mr. Speaker, this is a good time to take account of the national welfare as it is viewed by the President of the United States in the discharge of his official responsibilities. What President Taft has done, what his administration is doing, and what more it will do if Congress adopts the recommendations for constructive and progressive legislation may be learned from the messages which he has submitted since Congress met in December. I take this means of drawing attention to some of the more important subjects on which the President has communicated his views, and as the best way of doing this I quote his own language.

TRUSTS AND THE RIGHT OF COMPETITION.

In his message of December 5, 1911, on the Sherman antitrust law, the President said:

In May last the Supreme Court handed down decisions in the suits in equity brought by the United States to enjoin the further maintenance of the Standard Oil Trust and of the American Tobacco Trust and to secure their dissolution. The decisions are epoch making and serve to advise the business world authoritatively of the scope and operation of the antitrust act of 1890. The decisions do not depart in any substantial way from the previous decisions of the court in construing and applying this important statute, but they clarify those decisions by further defining the already admitted exceptions to the literal construction of the act. By the decrees they furnish a useful precedent as to the proper method of dealing with the capital and property of illegal trusts. These decisions suggest the need and wisdom of additional or supplemental legislation to make it easier for the entire business community to square with the rule of action and legality thus finally established and to preserve the benefit, freedom, and spur of reasonable competition without loss of real efficiency or progress.

* * * * * * *

Much is said of the repeal of this statute and of constructive legislation intended to accomplish the purpose and blaze a clear path for honest merchants and business men to follow. It may be that such a plan will be evolved, but I submit that the discussions which have been brought out in recent days by the fear of the continued execution of the antitrust law have produced nothing but glittering generalities and have offered no line of distinction or rule of action as definite and as clear as that which the Supreme Court itself lays down in enforcing the statute.

I see no objection—and, indeed, I can see decided advantages—in the enactment of a law which shall describe and denounce methods of competition which are unfair and are badges of the unlawful purpose denounced in the antitrust law. The attempt and purpose to suppress a competitor by underselling him at a price so unprofitable as to drive him out of business, or the making of exclusive contracts with customers under which they are required to give up association with other manufacturers, and numerous kindred methods for stifling competition and effecting monopoly, should be described with sufficient accuracy in a criminal statute, on the one hand, to enable the Government to shorten its task by prosecuting single misdemeanors instead of an entire conspiracy, and, on the other hand, to serve the purpose of pointing out more in detail to the business community what must be avoided.

I renew the recommendation of the enactment of a general law providing for the voluntary formation of corporations to engage in trade and commerce among the States and with foreign nations. * * *

* * * * * * *

The opportunity thus suggested for Federal incorporation, it seems to me, is suitable constructive legislation needed to facilitate the squaring of great industrial enterprises to the rule of action laid down by the antitrust law. This statute, as construed by the Supreme Court, must continue to be the line of distinction for legitimate business. It must be enforced, unless we are to banish individualism from all business and reduce it to one common system of regulation or control of prices like that which now prevails with respect to public utilities, and which when applied to all business would be a long step toward State socialism.

The antitrust act is the expression of the effort of a freedom-loving people to preserve equality of opportunity. It is the result of the confident determination of such a people to maintain their future growth by preserving uncontrolled and unrestricted the enterprise of the individual, his industry, his ingenuity, his intelligence, and his independent ccurage.

* * * * * * *

THE INCREASED COST OF LIVING.

The President in his message of February 2, 1912, proposing an international commission to look into the cause for the high prices of the necessities of life, said:

* * * There is no doubt but that a commission could be appointed of such unprejudiced and impartial persons, experts in investigation of economic facts, that a great deal of very valuable light could be shed upon the reasons for the high prices that have so distressed the people of the world and information given upon which action might be taken to reduce the cost of living. * * *

For some years past the high and steadily increasing cost of living has been a matter of such grave public concern that I deem it of great public interest that an international conference be proposed at this time for the purpose of preparing plans, to be submitted to the various Governments, for an international inquiry into the high cost of living, its extent, causes, effects, and possible remedies. I therefore recommend that, to enable the President to invite foreign Governments to such a conference, to be held at Washington or elsewhere, the Congress provide an appropriation, not to exceed $20,000, to defray the expenses of preparation and of participation by the United States.

The numerous investigations on the subject, official or other, already made in various countries, such as Austria, Belgium, Canada, Denmark, France, Germany, Great Britain, Italy, the Netherlands, and the United States, have themselves strongly demonstrated the need of further study of world-wide scope. Those who have conducted these investigations have found that the phenomenon of rising prices is almost if not quite general throughout the world, but they are baffled in the attempt to trace the causes by the impossibility of making any accurate international comparisons. This is because, in spite of the number of investigations already made, we are still without adequate data and because as yet no two countries estimate their price levels on the same basis or by the same methods.

* * * * * * *

REVISION OF THE WOOL TARIFF.

The President in communicating to Congress the report of the Tariff Board on Schedule K in his message of December 20, 1911, gave expression to these views:

I now herewith submit a report of the Tariff Board on Schedule K. The board is unanimous in its findings. On the basis of these findings I now recommend that the Congress proceed to a consideration of this schedule with a view to its revision and a general reduction of its rates.

* * * * * * *

The report shows in detail the difficulties involved in attempting to state in categorical terms the cost of wool production and the great differences in cost as between different regions and different types of wool. It is found, however, that, taking all varieties in account, the average cost of production for the whole American clip is higher than the cost in the chief competing country by an amount somewhat less than the present duty.

The findings of the board show that in this industry the actual manufacturing cost, aside from the question of the price of materials, is much higher in this country than it is abroad; that in the making of yarn and cloth the domestic woolen or worsted manufacturer has in

general no advantage in the form of superior machinery or more efficient labor to offset the higher wages paid in this country. The findings show that the cost of turning wool into yarn in this country is about double that in the leading competing country, and that the cost of turning yarn into cloth is somewhat more than double. Under the protective policy a great industry, involving the welfare of hundreds of thousands of people, has been established despite these handicaps.

In recommending revision and reduction I therefore urge that action be taken with these facts in mind, to the end that an important and established industry may not be jeopardized.

* * * * * * *

It is no part of the function of the Tariff Board to propose rates of duty. Their function is merely to present findings of fact on which rates of duty may be fairly determined in the light of adequate knowledge in accord with the economic policy to be followed. This is what the present report does.

The findings of fact by the board show ample reason for the revision downward of Schedule K, in accord with the protective principle, and present the data as to relative costs and prices from which may be determined what rates will fairly equalize the difference in production costs. I recommend that such revision be proceeded with at once.

FOREIGN TRADE RELATIONS.

In his message of December 7, 1911, the President had this to say concerning the tariff and foreign trade relations:

While the double tariff feature of the tariff law of 1909 has been amply justified by the results achieved in removing former and preventing new undue discriminations against American commerce, it is believed that the time has come for the amendment of this feature of the law in such way as to provide a graduated means of meeting varying degrees of discriminatory treatment of American commerce in foreign countries as well as to protect the financial interests abroad of American citizens against arbitrary and injurious treatment on the part of foreign governments through either legislative or administrative measures.

It would also seem desirable that the maximum tariff of the United States should embrace within its purview the free list, which is not the case at the present time, in order that it might have reasonable significance to the governments of those countries from which the importations into the United States are confined virtually to articles on the free list.

The fiscal year ended June 30, 1911, shows great progress in the development of American trade. It was noteworthy as marking the highest record of exports of American products to foreign countries, the valuation being in excess of $2,000,000,000. These exports showed a gain over the preceding year of more than $300,000,000.

* * * * * * *

As I have indicated, it is increasingly clear that to obtain and maintain that equity and substantial equality of treatment essential to the flourishing foreign trade, which becomes year by year more important to the industrial and commercial welfare of the United States, we should have a flexibility of tariff sufficient for the give and take of negotiation by the Department of State on behalf of our commerce and industry.

I need hardly reiterate the conviction that there should speedily be built up an American merchant marine. This is necessary to assure favorable transportation facilities to our great ocean-borne commerce as well as to supplement the Navy with an adequate reserve of ships and men. It would have the economic advantage of keeping at home part of the vast sums now paid foreign shipping for carrying American goods. All the great commercial nations pay heavy subsidies to their merchant marine, so that it is obvious that without some wise aid from the Congress the United States must lag behind in the matter of merchant marine in its present anomalous position.

PROVISIONS FOR PANAMA CANAL TRAFFIC.

After describing the very satisfactory progress made on the Panama Canal the President, in his message of December 21, 1911, said:

I renew my recommendation with respect to the tolls of the canal that within limits which shall seem wise to Congress the power of fixing tolls be given to the President. In order to arrive at a proper conclusion there must be some experimenting, and this can not be done if Congress does not delegate the power to one who can act expeditiously.

I am very confident that the United States has the power to relieve from the payment of tolls any part of our shipping that Congress deems wise. We own the canal. It was our money that built it. We have the right to charge tolls for its use. Those tolls must be the same to everyone; but when we are dealing with our own ships the practice of many governments of subsidizing their own merchant vessels is so well established in general that a subsidy equal to the tolls, an equivalent remission of tolls, can not be held to be a discrimination in the use of the canal. The practice in the Suez Canal makes this clear. The experiment in tolls to be made by the President would doubtless disclose how great a burden of tolls the coastwise trade between the Atlantic and the Pacific coasts could bear without preventing its usefulness in competition with the transcontinental railroads. One of the chief reasons for building the canal was to set up this competition and to bring the two shores closer together as a practical trade problem. It may be that the tolls will have to be wholly remitted. I do not think this is the best principle, because I believe that the cost of such a Government work as the Panama Canal ought to be imposed gradually but certainly upon the trade which it creates and makes possible. So far as we can, consistent with the development of the world's trade through the canal and the benefit which it was intended to secure to the east and west coastwise trade, we ought to labor to secure from the canal tolls a sufficient amount ultimately to meet the debt which we have assumed and to pay the interest.

POSTAL SAVINGS SYSTEM AND PARCEL POST.

In the message of the same date the President reviewed the success of the postal savings system as follows:

On January 3, 1911, postal savings depositories were established experimentally in 48 States and Territories. After three months' successful operation the system was extended as rapidly as feasible to the 7,500 post offices of the first, second, and third classes constituting the presidential grade. By the end of the year practically all of these will have been designated, and then the system will be extended to all fourth-class post offices doing a money-order business.

* * * * * * * *

The deposits have kept pace with the extension of the system. Amounting to only $60,652 at the end of the first month's operation in the experimental offices, they increased to $679,310 by July, and now, after 11 months of operation, have reached a total of $11,000,000. This sum is distributed among 2,710 banks, and protected under the law by bonds deposited with the Treasurer of the United States.

* * * * * * *

The depositors thus far number approximately 150,000. They include 40 nationalities, native Americans largely predominating, and English and Italians coming next.

The President renewed his previous recommendations for a parcel post and called especial attention to the expected benefit in reducing the cost of living in the following language:

Steps should be taken immediately for the establishment of a rural parcel post. * * *

It is hoped that Congress will authorize the immediate establishment of a limited parcel post on such rural routes as may be selected, providing for the delivery along the routes of parcels not exceeding 11 pounds, which is the weight limit for the international parcel post, or at the post office from which such route emanates, or on another route emanating from the same office. Such preliminary service will prepare the way for the more thorough and comprehensive inquiry contemplated in asking for the appropriation mentioned, enable the department to gain definite information concerning the practical operation of a general system, and at the same time extend the benefit of the service to a class of people who, above all others, are specially in need of it.

The suggestion that we have a general parcel post has awakened great opposition on the part of some who think that it will have the effect to destroy the business of the country storekeeper. Instead of doing this, I think the change will greatly increase business for the benefit of all. The reduction in the cost of living it will bring about ought to make its coming certain.

NATIONAL FINANCES AND MONETARY REFORM.

In his message of the same date the President said that the financial condition of the Government, as shown at the close of the last fiscal year, June 30, 1911, was very satisfactory. The interest-bearing debt of the United States on that date amounted to $915,353,190. With reference to the high credit of the United States it has been said:

The credit of this Government was shown to be better than that of any other Government by the sale of the Panama Canal 3 per cent bonds. These bonds did not give their owners the privilege of using them as a basis for bank-note circulation, nor was there any other privilege extended to them which would affect their general market value. Their sale, therefore, measured the credit of the Government. The premium which was realized upon the bonds made the actual interest rate of the transaction 2.909 per cent.

Regarding monetary reform, among other things in this message, the President said:

A matter of first importance that will come before Congress for action at this session is monetary reform. The Congress has itself arranged an early introduction of this great question through the report of its Monetary Commission. * * *

It is exceedingly fortunate that the wise and undisputed policy of maintaining unchanged the main features of our banking system rendered it at once impossible to introduce a central bank; for a central bank would certainly have been resisted, and a plan into which it could have been introduced would probably have been defeated. But as a central bank could not be a part of the only plan discussed or considered, that troublesome question is eliminated. And ingenious and novel as the proposed National Reserve Association appears, it simply is a logical outgrowth of what is best in our present system, and is, in fact, the fulfillment of that system.

* * * * * * *

I trust that all banks of the country possessing the requisite standards will be placed upon a footing of perfect equality of opportunity. Both the national system and the State system should be fairly recognized, leaving them eventually to coalesce, if that shall prove to be their tendency. But such evolution can not develop impartially if the banks of one system are given or permitted any advantages of opportunity over those of the other system. And I trust also that the new legislation will carefully and completely protect and assure the individuality and the independence of each bank, to the end that any tendency there may ever be toward a consolidation of the money or banking power of the Nation shall be defeated.

* * * * * * *

With the present prospects of this long-awaited reform encouraging us, it would be singularly unfortunate if this monetary question should by any chance become a party issue. And I sincerely hope it will not.

ECONOMY AND EFFICIENCY.

In submitting the report of progress made in the inquiry into the efficiency and economy of the methods of transacting public business, in his message of January 17, 1912, the President said:

Efficiency and economy in the Government service have been demanded with increasing insistence for a generation. Real economy is the result of efficient organization. By perfecting the organization the same benefits may be obtained at less expense. A reduction in the total of the annual appropriations is not in itself a proof of economy, since it is often accompanied by a decrease in efficiency. The needs of the Nation may demand a large increase of expenditure, yet to keep the total appropriations within the expected revenue is necessary to the maintenance of public credit.

* * * * * * *

The operations of the Government affect the interest of every person living within the jurisdiction of the United States. Its organization embraces stations and centers of work located in every city and in many local subdivisions of the country. Its gross expenditures amount to nearly $1,000,000 annually. Including the personnel of the Military and Naval Establishments, more than 400,000 persons are required to do the work imposed by law upon the executive branch of the Government.

* * * * * * *

Although earnest efforts have been put forth by administrative officers and though many special inquiries have been made by the Congress, no exhaustive investigation has ever before been instituted concerning the methods employed in the transaction of public business with a view to the adoption of the practices and procedure best fitted

to secure the transaction of such business with maximum dispatch, economy, and efficiency.

With large interests at stake, the Congress and the administration have never had all the information which should be currently available if the most intelligent direction is to be given to the business in hand.

I am convinced that results which are really worth while can not be secured, or at least can be secured only in small part, through the prosecution at irregular intervals of special inquiries bearing on particular services or features of administration. The benefits thus obtained must be but temporary. The problem of good administration is not one that can be solved at one time. It is a continuously present one.

In accordance with my instructions, the Commission on Economy and Efficiency, which I organized to aid me in the inquiry, has directed its efforts primarily to the formulation of concrete recommendations looking to the betterment of the fundamental conditions under which governmental operations must be carried on. With a basis thus laid, it has proceeded to the prosecution of detailed studies of individual services and classes of work and of particular practices and methods, pushing these studies as far, and covering as many points and services, as the resources and time at its disposal have permitted.

* * * * * * *

The United States is the only great Nation whose Government is operated without a budget. This fact seems to be more striking when it is considered that budgets and budget procedures are the outgrowth of democratic doctrines and have had an important part in the development of modern constitutional rights. The American Commonwealth has suffered much from irresponsibility on the part of its governing agencies. The constitutional purpose of a budget is to make government responsive to public opinion and responsible for its acts.

A budget should be the means for getting before the legislative branch, before the press, and before the people a definite annual program of business to be financed; it should be in the nature of a prospectus both of revenues and expenditures; it should comprehend every relation of the Government to the people, whether with reference to the raising of revenues or the rendering of service.

COMMISSION ON INDUSTRIAL RELATIONS.

In his message of February 2, 1912, in discussing industrial relations, the President said:

The extraordinary growth of industry in the past two decades and its revolutionary changes have raised new and vital questions as to the relations between employers and wage earners which have become matters of pressing public concern. These questions have been somewhat obscured by the profound changes in the relations between competing producers and producers as a class and consumers—in other words, by the changes which, among other results, have given rise to what is commonly called the trust problem. The large-scale production characteristic of modern industry, however, involves the one set of relations no less than the other. Any interruption to the normal and peaceful relations between employer and wage earner involves public discomfort and in many cases public disaster. Such interruptions become, therefore, quite as much a matter of public concern as restraint of trade or monopoly.

Industrial relations concern the public for a double reason. We are directly interested in the maintenance of peaceful and stable industrial conditions for the sake of our own comfort and well-being; but society is equally interested, in its sovereign civic capacity, in seeing that our institutions are effectively maintaining justice and fair dealing between all classes of citizens whose economic interests may seem to clash. * * *

The special investigations that have been made of recent industrial conditions, whether private or official, have been fragmentary, incomplete, and at best only partially representative or typical. Their lessons, nevertheless, are important, and until something comprehensive and adequate is available they serve a useful purpose, and they will necessarily continue to be made. But unquestionably the time is now ripe for a searching inquiry into the subject of industrial relations which shall be official, authoritative, balanced, and well rounded, such as only the Federal Government can successfully undertake. The present widespread interest in the subject makes this an opportune time for an investigation, which in any event can not long be postponed. It should be nonpartisan, comprehensive, thorough, patient, and courageous.

* * * * * * *

PUBLICITY FOR RAILWAY SECURITIES.

The President, in transmitting, on December 11, 1911, the report made by the Railroad Securities Commission, which was appointed under the authority of the act to create a Commerce Court, said that he heartily concurred in the recommendations of the commission, and he urged that appropriate action be taken to carry them into effect. The section of the commission's report in regard to publicity is as follows:

In place of any added Federal requirements concerning payment for capital stock, your commission recommends the adoption of provisions regarding publicity which will show the actual facts regarding stock and bond issues in the several States and the consideration received therefor. Any railroad doing interstate business which issues bonds or stocks should be required by statute to furnish the Interstate Commerce Commission at the time of the issue with a full statement of the details of the issue, the amount of the proceeds, and the purposes for which the proceeds are to be used, followed in due time by an accounting for such proceeds, as more fully hereinafter set forth.

* * * * * * * *

* * * Every company should be required to furnish to the Interstate Commerce Commission at specified dates a full statement, including the names of the parties concerned, of all financial transactions that have taken place during the periods covered by the report, whether in cash, in securities, or in other valuable considerations, and whether embraced in income account or outside of it. This statement should also include the disposition of the surplus. Every company should be further required to compile for the information of its shareholders facts in regard to the financial transactions of the company for its fiscal year of such a character and in such form as the Interstate Commerce Commission may direct.

LESSENING THE COST OF LITIGATION.

President Taft's positive views on simplifying legal procedure and preventing delay and unnecessary cost of litigation were indicated in his message of December 21, 1911. In that message the President said:

In promotion of the movement for the prevention of delay and unnecessary cost in litigation, I am glad to say that the Supreme Court has taken steps to reform the present equity rules of the Federal courts, and that we may in the near future expect a revision of them which will be a long step in the right direction.

The American Bar Association has recommended to Congress several bills expediting procedure, one of which has already passed the House unanimously February 6, 1911. This directs that no judgment should be set aside or reversed or new trial granted unless it appears to the court, after an examination of the entire cause, that the error complained of has injuriously affected the substantial rights of the parties, and also provides for the submission of issues of fact to a jury, reserving questions of law for subsequent argument and decision. I hope this bill will pass the Senate and become law, for it will simplify the procedure at law.

Another bill to amend chapter 11 of the judicial code, in order to avoid errors in pleading, was presented by the same association, and one enlarging the jurisdiction of the Supreme Court, so as to permit that court to examine, upon a writ of error, all cases in which any right or title is claimed under the Constitution, or any statute or treaty of the United States, whether the decision in the court below has been against the right or title or in its favor. Both these measures are in the interest of justice and should be passed.

Mr. LAMB. Mr. Chairman, I would like to ask the gentleman from Illinois, the leader of the minority, if we could not take a recess until 8 o'clock for the purpose of going on with this bill?

Mr. MANN. Oh, I think we are getting along as fast on this bill as we usually do.

ADJOURNMENT.

Mr. LAMB. Mr. Chairman, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 31 minutes p. m.) the House adjourned to meet to-morrow, Wednesday, March 6, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Interior, submitting, by direction of the President, proposed amendment to the estimate for an appropriation for surveying the public lands as contained in the Book of Estimates for the fiscal year ending June 30, 1913; to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of the Interior, submitting estimate of appropriation for incidental expenses in office of ex officio secretary of the District of Alaska, omitted in Book of Estimates for 1913 by inadvertence (H. Doc. No. 593); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, submitting supplemental estimate of appropriation required by War Department for increasing the capacity of Rock Island Arsenal for production of Field Artillery for the fiscal year 1913 (H. Doc. No. 592); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of the Interior, submitting estimate of appropriation for beginning the construction of the Ganado Irrigation Project on the Navajo Indian Reservation in Arizona (H. Doc. No. 591); to the Committee on Indian Affairs and ordered to be printed.

5. A letter from the acting president of the Board of Commissioners of the District of Columbia, transmitting report of the excise board of the District of Columbia for the license year ended October 31, 1911 (H. Doc. No. 594); to the Committee on the District of Columbia and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DAVIS of West Virginia, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 19418) to amend section 5 of an act entitled "An act to regulate fees and costs, and for other purposes," approved February 22, 1875, reported the same with amendment, accompanied by a report (No. 393), which said bill and report were referred to the House Calendar.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill of the House (H. R.

20491) authorizing the Secretary of the Interior to grant further extension of time within which to make proof on desert-land entries, reported the same with amendment, accompanied by a report (No. 394), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred, as follows:

By Mr. STEPHENS of Texas: A bill (H. R. 21356) to repeal the provisions of the Indian appropriation acts of June 21, 1906, and March 1, 1907, removing restrictions as to sale, incumbrance, or taxation of allotments within the White Earth Indian Reservation in the State of Minnesota; to the Committee on Indian Affairs.

By Mr. SPARKMAN: A bill (H. R. 21357) amending section 32, chapter 1244, act of October 1, 1890, amending section 3392 of the Revised Statutes, as amended by section 16, of the act of March 1, 1879; to the Committee on Ways and Means.

By Mr. KENT: A bill (H. R. 21358) to repeal section 3 of an act entitled "An act in reference to the expatriation of citizens and their protection abroad," approved March 2, 1907; to the Committee on Foreign Affairs.

By Mr. MORRISON: A bill (H. R. 21359) to amend the postal laws and regulations pertaining to the second class of mail matter; to the Committee on the Post Office and Post Roads.

By Mr. YOUNG of Kansas: A bill (H. R. 21360) establishing the pensionable disabilities of Civil War soldiers; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: A bill (H. R. 21361) authorizing the Secretary of the Interior within his discretion to exchange desert lands for lands within national forests limits; to the Committee on the Public Lands.

By Mr. JACKSON: A bill (H. R. 21362) to divest intoxicating liquors of their interstate-commerce character; to the Committee on the Judiciary.

By Mr. FLOOD of Virginia: A bill (H. R. 21363) authorizing the purchase of the Natural Bridge of Virginia; to the Committee on Agriculture.

By Mr. KORBLY: A bill (H. R. 21364) authorizing the Secretary of War to convert the regimental Army post at Fort Benjamin Harrison, Ind., into a brigade post; to the Committee on Military Affairs.

By Mr. FIELDS: A bill (H. R. 21365) to provide for the erection of a public building at Cynthiana, Ky.; to the Committee on Public Buildings and Grounds.

By Mr. TAYLOR of Colorado: A bill (H. R. 21366) providing for the adjustment of the claims of the States and Territories to lands within national forests; to the Committee on the Public Lands.

By Mr. STEPHENS of California: A bill (H. R. 21367) to enable the city of Los Angeles, Cal., to carry out its plans for the construction of municipal wharves, docks, slips, warehouses, and other appliances for commerce and navigation in Los Angeles Harbor, Cal.; to the Committee on Rivers and Harbors.

By Mr. GRAHAM: A bill (H. R. 21368) for the immediate relief of the sick, diseased, and destitute Chippewa Indians within the White Earth Reservation in Minnesota; to the Committee on Indian Affairs.

By Mr. ASHBROOK: Concurrent resolution (H. Con. Res. 42) to print 3,000 copies of Hearings No. 54 on House resolution 109; to the Committee on Printing.

By Mr. LAFFERTY: Joint resolution (H. J. Res. 260) directing that in the future expenditure of the reclamation fund the President shall give a preference to those States that have heretofore contributed more than they have received until reimbursed; to the Committee on Irrigation of Arid Lands.

By Mr. SIMMONS: Joint resolution (H. J. Res. 261) providing for reference to the International Joint Commission of the question of the pollution of the waters of Lake Erie and the Niagara River; to the Committee on Foreign Affairs.

By Mr. UNDERWOOD: Joint resolution (H. J. Res. 262) creating a committee of Congress to investigate the building of post roads in the United States; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 21369) granting an increase of pension to Abraham D. Shidler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21370) granting an increase of pension to John J. Chrystler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21371) granting an increase of pension to Henry Friar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21372) granting an increase of pension to William H. England; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21373) granting an increase of pension to John Herr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21374) granting an increase of pension to Samuel Douglass; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21375) granting a pension to Frank A. Pfefferle; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 21376) for the relief of Burrell F. Badgett; to the Committee on War Claims.

By Mr. BARTHOLDT: A bill (H. R. 21377) granting an increase of pension to Thomas B. Chapman; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 21378) granting an increase of pension to William Wells; to the Committee on Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 21379) granting an increase of pension to George Wagner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21380) granting an increase of pension to Verona Withans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21381) granting an increase of pension to Elizabeth Henry Ball; to the Committee on Invalid Pensions.

By Mr. COOPER: A bill (H. R. 21382) granting an increase of pension to George Coulter; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 21383) granting an increase of pension to Isaac D. Combs; to the Committee on Invalid Pensions.

By Mr. DODDS: A bill (H. R. 21384) granting a pension to Augusta Schlader; to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 21385) granting an increase of pension to James A. Buck; to the Committee on Invalid Pensions.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 21386) granting an increase of pension to Paul Hirchfield; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 21387) restoring the name of Charlotte Judd to the pension roll; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 21388) for the relief of James T. F. Carney; to the Committee on War Claims.

Also, a bill (H. R. 21389) granting a pension to H. Clay Stone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21390) granting an increase of pension to Henry Braden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21391) for the relief of the estate of Vina J. Alexander, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21392) for the relief of certain citizens of Cynthiana, Ky.; to the Committee on War Claims.

By Mr. FLOYD of Arkansas: A bill (H. R. 21393) granting an increase of pension to Thomas A. Stockslager; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: A bill (H. R. 21394) granting a pension to Ellen A. Kelly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21395) granting an increase of pension to Charles E. Bigelow; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 21396) for the relief of W. R. Wells, administrator of the estate of James S. Wells, deceased; to the Committee on Claims.

By Mr. HILL: A bill (H. R. 21397) granting an increase of pension to Joseph H. Vaill; to the Committee on Invalid Pensions.

By Mr. HOWELL: A bill (H. R. 21398) granting a pension to George B. Haight, alias William Riley; to the Committee on Pensions.

By Mr. KORBLY: A bill (H. R. 21399) granting an increase of pension to George W. Morgan; to the Committee on Invalid Pensions.

By Mr. LANGHAM: A bill (H. R. 21400) granting a pension to Roxanna Fleming; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21401) granting an increase of pension to Hiram Shearer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21402) granting an increase of pension to John A. Kerr; to the Committee on Invalid Pensions.

By Mr. LEVY: A bill (H. R. 21403) for the relief of Bolognesi, Hartfield & Co.; to the Committee on Claims.

By Mr. MARTIN of Colorado: A bill (H. R. 21404) granting an increase of pension to Theodore W. Wattles; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 21405) for the relief of W. E. Hancock; to the Committee on War Claims.

Also, a bill (H. R. 21406) for the relief of John R. Gilbert; to the Committee on War Claims.

Also, a bill (H. R. 21407) for the relief of Fannie R. Pierce; to the Committee on War Claims.

By Mr. PRINCE: A bill (H. R. 21408) granting a pension to Harrison Bernard Taylor; to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 21409) for the relief of Caldwell & Dunwody; to the Committee on Claims.

By Mr. RUSSELL: A bill (H. R. 21410) granting an increase of pension to William E. McDowell; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 21411) granting a pension to Gilbert Van Vorce; to the Committee on Pensions.

By Mr. SULZER: A bill (H. R. 21412) to authorize the Secretary of War to recognize the services of Dr. John T. Nagle as a medical officer, who was employed as such during the Civil War, by authority of the revised United States Army Regulations of 1863, and who performed the duties of a medical officer agreeably to Army Regulations; to the Committee on Military Affairs.

By Mr. THISTLEWOOD: A bill (H. R. 21413) granting an increase of pension to Jacob Blagg; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 21414) granting a pension to Isaac Prosser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21415) to remove the charge of desertion from the record of O. D. Hendershot; to the Committee on Military Affairs.

By Mr. WEEKS: A bill (H. R. 21416) granting an increase of pension to Edward N. Pomeroy; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 21417) granting an increase of pension to Miller H. Hart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21418) granting an increase of pension to Josephus Foster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21419) for the relief of Robert S. Forbes; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of citizens of Laclede, Mo., for enactment of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Association of Army Nurses of the Civil War, for certain pension legislation; to the Committee on Invalid Pensions.

Also, petition of Arecibo (P. R.) Local Union, No. 189, Journeymen Tailors' Union of America, asking that citizenship be granted the people of Porto Rico; to the Committee on Insular Affairs.

Also, petition of Central Federated Union of Greater New York and vicinity, protesting against an appropriation for a peace celebration of the treaty with England; to the Committee on Foreign Affairs.

By Mr. AKIN of New York: Petition of Cigar Makers' Union No. 483, of Gloversville, N. Y., for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. ANTHONY: Petitions of Councils Nos. 76 and 99, United Commercial Travelers of America, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of the Courtier-Webb Co. and other merchants of Pataskala, Ohio, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of German-American Alliance of Coshocton, Ohio, protesting against enactment of legislation prohibiting interstate commerce in liquors; to the Committee on the Judiciary.

By Mr. BARTHOLDT: Petition of citizens of Wellston, Mo., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Merchants' Exchange of St. Louis, Mo., relative to International Congress of Chambers of Commerce; to the Committee on Foreign Affairs.

Also, petition of the Hilmer Commission Co., of St. Louis, Mo., for enactment of House bill 20281; to the Committee on Agriculture.

Also, petition of the Jewish Charitable and Educational Union of St. Louis, Mo., protesting against illiteracy test in proposed immigration legislation; to the Committee on Immigration and Naturalization.

Also, petition of citizens of St. Louis, Mo., for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of Johnson Bros. Shoe Co. and Missouri Slipper Co., of St. Louis, Mo., protesting against enactment of House bills 11380 and 11381; to the Committee on the Judiciary.

Also, petitions of the Wholesale Liquor Dealers of Kansas City and E. B. Hill & Bro. Bottle Co. and Stark Distilling Co., of St. Louis, Mo., protesting against interstate-commerce liquor legislation; to the Committee on the Judiciary.

Also, petitions of Norvell-Shapleigh Hardware Co., the Day Rubber Co., and Hagardine-McKittrick Dry Goods Co., of St. Louis, Mo., protesting against passage of House bill 16844; to the Committee on Interstate and Foreign Commerce.

By Mr. BATES: Petition of Northwestern Pipe & Supply Co., of Erie, Pa., against House bill 16844; to the Committee on Interstate and Foreign Commerce.

By Mr. BULKLEY: Memorial of St. Francis Young Men's Society, of Cleveland, Ohio, for enactment of Esch phosphorus bill; to the Committee on Ways and Means.

By Mr. BURNETT: Petition of citizens of Albertville, Ala., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. CALDER: Petitions of Brown Durrel Co., of Boston, Mass., and Geddes-Brown Shoe Co. and Havens & Geddes Co., of Indianapolis, Ind., protesting against passage of House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, petition of Polish National Alliance, protesting against further restrictions in the immigration laws; to the Committee on Immigration and Naturalization.

Also, petition of George W. Lane, of Brooklyn, N. Y., for passage of House bill 17470; to the Committee on Pensions.

By Mr. COOPER: Petition of P. A. Harriman and other citizens of Elkhorn, Wis., in favor of enactment of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petition of members Company L, First Infantry Wisconsin National Guard, for passage of House bill 8141; to the Committee on Military Affairs.

Also, petitions of Woman's Christian Temperance Union and citizens of Lake Geneva, Wis., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. COVINGTON: Petition of residents of Carmichael, Md., for passage of Kenyon-Sheppard bill to withdraw from interstate commerce liquor shipments; to the Committee on the Judiciary.

Also, petition of residents of Snow Hill, Worcester County, Md., for passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. CURRIER: Petition of citizens of Ashland, N. H., for the passage of the Kenyon-Sheppard bill to withdraw from interstate commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

Also, petition of F. B. Church, of Ashland, N. H., for passage of Kenyon-Sheppard interstate commerce liquor bill; to the Committee on the Judiciary.

By Mr. DANIEL A. DRISCOLL: Papers to accompany bill for the relief of Paul Hirchfield; to the Committee on Invalid Pensions.

By Mr. DYER: Petition of Hilmer Commission Co., of St. Louis, Mo., for enactment of House bill 20281; to the Committee on Agriculture.

Also, petitions of Norvell-Shapleigh Hardware Co., J. F. Conrad Grocer Co., and the T. B. Boyd Furnishing Goods Co., of St. Louis, Mo., protesting against House bill 16844; to the Committee on Interstate and Foreign Commerce.

By Mr. FERGUSSON: Petition of Union No. 85, F. E. and C. U. of A., in favor of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the State of New Mexico, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, memorial of Commercial Club of Taiban, N. Mex., for amending the homestead laws; to the Committee on the Public Lands.

Also, petition of citizens of Portales, N. Mex., concerning creation of divisions for Federal court in New Mexico; to the Committee on the Judiciary.

By Mr. FLOOD of Virginia: Memorial of Farmers' Educational and Cooperative Union of Virginia, for Government monopoly of tobacco, etc.; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Virginia, favoring the reduction of duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. FLOYD of Arkansas: Papers to accompany bill for the relief of Noble J. McBride (H. R. 19570); to the Committee on Invalid Pensions.

By Mr. FOCHT: Petition of citizens of Juniata County, Pa., protesting against repeal of anticanteen law; to the Committee on the Judiciary.

Also, petition of citizens of Juniata County, Pa., favoring the passage of Kenyon-Sheppard interstate commerce liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Juniata County, Pa., favoring joint resolution prohibiting sale, manufacture for sale, and importation for sale of beverages containing alcohol; to the Committee on the Judiciary.

By Mr. FULLER: Petition of Illinois Retail Hardware Association, of Elgin, Ill., opposed to any further parcel-post legislation, and favoring the creation of a commission to investigate cost, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of Rockford Manufacturers and Shippers' Association, of Rockford, Ill., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Walter J. Miller, of Chicago, Ill., favoring the passage of the Sheppard-Kenyon bill, concerning interstate-commerce shipments of intoxicating liquors; to the Committee on the Judiciary.

Also, petition of E. J. Babcock, dean of University of North Dakota, favoring the passage of the Foster bill (H. R. 6304), relating to the mining industry, etc.; to the Committee on Mines and Mining.

Also, petition of the International Dry Farming Congress, favoring the passage of the Lever bill, for agricultural extension, etc.; to the Committee on Agriculture.

Also, petition of the Elgin Board of Trade, of Elgin, Ill., for the retention of the 10-cent tax on oleomargarine, etc.; to the Committee on Agriculture.

Also, petition of Lockwood, Greene & Co., of Chicago, Ill., in favor of a river and harbor bill; to the Committee on Rivers and Harbors.

By Mr. GARDNER of Massachusetts: Petitions of Woman's Christian Temperance Union and other organizations of Gardner, Mass., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. GARNER: Petition of citizens of the State of Texas, for improvement of Aransas Pass Harbor, Tex.; to the Committee on Rivers and Harbors.

By Mr. GOLDFOGLE: Memorial from Russian Caviar Co., of New York, praying for a reduction in the duty on Russian caviar; to the Committee on Ways and Means.

Also, petition of the Central Federated Union of Greater New York, favoring the construction of a battleship at Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, petition of Maryland Association of Certified Public Accountants, protesting against the employment of chartered accountants by the Government to the exclusion of certified accountants; to the Committee on Expenditures in the Navy Department.

Also, petition of Central Federated Union of Greater New York and vicinity, in support of House bill 11032, regulating the issuance of restraining orders and limiting the meaning of the word "conspiracy"; to the Committee on the Judiciary.

Also, memorial of Union No. 23, International Printing Pressmen's and Assistants' Union of North America, for increased compensation to pressmen and assistants in the Government Printing Office; to the Committee on Printing.

By Mr. HAWLEY: Petitions of Woman's Christian Temperance Union and churches in the State of Oregon, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of German-American Alliance of Nebraska and Nebraska Wholesale Liquor Dealers' Association, protesting against enactment of prohibition or interstate liquor legislation; to the Committee on the Judiciary.

Also, petition of citizens of Salem, Oreg., for construction of a battleship in one of the Government navy yards; to the Committee on Naval Affairs.

By Mr. HENSLEY: Petition of citizens of Bismarck, Mo., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of Woman's Christian Temperance Union and churches of Williamsville, Mo., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HIGGINS: Petitions of Woman's Christian Temperance Union, of Groton, and churches of Mystic and Danielson, Conn., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of German-American Alliance of Meriden, Torrington, and Waterbury, Conn., protesting against legislation affecting interstate shipment of liquors; to the Committee on the Judiciary.

Also, petition of Central Labor Union of Meriden, Conn., in favor of House bill 11032; to the Committee on the Judiciary.

Also, petition of Shetuckett Grange, No. 69, of Scotland, Conn., opposing repeal of the anticanteen law; to the Committee on Military Affairs.

Also, petitions of citizens of New London, Conn., for passage of House bills 16802 and 18244; to the Committee on Indian Affairs.

By Mr. HILL: Petition of William I. Hamlidge, of Danbury, Conn., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also (by request), petition of Spanish War Veterans of Winsted, Conn., in favor of a pension for widows of soldiers of the Spanish War; to the Committee on Pensions.

Also, petition of Woman's Christian Temperance Union of Thomaston, Conn., against the establishment of the canteen in the United States Army; to the Committee on Military Affairs.

Also, petition of citizens of Meriden, Conn., with reference to the construction of battleships and other matters connected with the United States Navy; to the Committee on Naval Affairs.

Also, petitions of South Norwalk (Conn.) Union of the Woman's Christian Temperance Union and voters of the town of Norwalk, for the speedy passage of the Kenyon-Sheppard interstate commerce liquor bill; to the Committee on the Judiciary.

By Mr. HOWELL: Petition of citizens of the State of Utah, in favor of the Lever bill for Federal aid for extension work in agricultural colleges; to the Committee on Agriculture.

Also, petitions of Child Culture Club and Woman's Christian Temperance Union, of Ogden, Utah, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of C. C. Jones and other citizens of Green River, Utah, protesting against reduction in duties on sugar; to the Committee on Ways and Means.

Also, petition of Child Culture Club, of Ogden, Utah, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. KINKAID of Nebraska: Petition of citizens of Overton, Nebr., in favor of enactment of House bill 16689; to the Committee on the Public Lands.

By Mr. KORBLY: Petition of a German Catholic society of the State of Indiana, in regard to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

Also, memorial of International Brotherhood of Electrical Workers, relative to conditions at Lawrence, Mass.; to the Committee on Rules.

Also, memorial of Indiana Historical Society, for certain appropriation; to the Committee on Indian Affairs.

Also, petition of citizens of Indianapolis, Ind., in favor of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Indianapolis, Ind., for legislation prohibiting interstate shipment of liquors; to the Committee on the Judiciary.

By Mr. LAFEAN: Petition of citizens of York Springs, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of residents of Hanover, Pa., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. LAFFERTY: Petitions of citizens of Cove and Echo, Oreg., for enactment of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petition of Almeda Consolidated Mines Co., of Portland, Oreg., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of L. N. Smith and others of Walloma, Oreg., relative to certain legislation; to the Committee on the Post Office and Post Roads.

By Mr. LEVY: Memorial of Union No. 23, International Printing Pressmen and Assistants' Union of North America, for increased compensation to pressmen and assistants in the Government Printing Office; to the Committee on Printing.

Also, memorial of Chamber of Commerce and Manufacturers' Club of Buffalo, N. Y., relative to proposed international congress of chambers of commerce; to the Committee on Foreign Affairs.

By Mr. LOUD: Petition of citizens of Averill, Mich., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MAGUIRE of Nebraska: Petition of the Kearney County Farmers' Mutual Fire Insurance Co., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Nebraska Woman's Suffrage Association, for certain amendment to proposed constitutional amendment; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. MANN: Petition of F. L. Gregson and others of Chicago, Ill., in favor of providing for building of one battleship in the Government navy yards; to the Committee on Naval Affairs.

By Mr. MONDELL: Petition signed by citizens of Laramie County, Wyo., urging the enactment of a parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. MORGAN: Petitions of citizens of the State of Oklahoma, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. NEEDHAM: Petitions of churches of Salinas and Stockton, Cal., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, memorial of California Club, relative to right of franchise; to the Committee on the Judiciary.

By Mr. PAGE: Petition of a church organization in the State of North Carolina, in favor of passage of the Webb bill, relative to shipment of liquor; to the Committee on the Judiciary.

By Mr. POWERS: Petition of citizens of eleventh congressional district of Kentucky, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of eleventh congressional district of Kentucky, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. PRAY: Petition of residents of Lonepine, Niarada, East Helena, Springdale, and Stevensville, Mont., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Dillon, Mont., against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of residents of Culbertson, Glasgow, and Poplar, Mont., favoring amendment to the homestead law allowing three years' residence and extension of time for cultivation according to financial condition of homesteaders; to the Committee on the Public Lands.

By Mr. REILLY: Memorial of citizens of Naugatuck, Conn., for rejection of arbitration treaty with Great Britain, etc.; to the Committee on Foreign Affairs.

By Mr. SLOAN: Petition of citizens of Hordville, Nebr., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Fairbury, Nebr., against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Texas: Petitions of churches of Snyder, Tex., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. STEPHENS of California: Petition of Vernon Avenue Congregational Church, of Los Angeles, Cal., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. SULZER: Petition of W. G. Bates, of New York City, for passage of the militia pay bill; to the Committee on Military Affairs.

Also, petition of Polish National Alliance, opposing further restrictions in immigration laws; to the Committee on Immigration and Naturalization.

By Mr. TOWNER: Petition of John M. Hays and other citizens of Creston, Iowa, favoring the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Kent and Gravity, Iowa, against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. WATKINS: Petition of citizens of Arcadia, La., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. WILDER: Memorial of citizens of Leominster, Mass., protesting against proposed peace celebration between the United States and Great Britain; to the Committee on Foreign Affairs.

By Mr. WILLIS: Petition of the Rev. A. M. Smith and 70 other citizens of Van Buren, Ohio, asking for enactment of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

SENATE.

WEDNESDAY, *March 6, 1912.*

(Continuation of legislative day of Tuesday, March 5, 1912.)

The Senate met as in executive session after the expiration of the recess, at 1 o'clock and 30 minutes p. m., Wednesday, March 6, 1912.

Mr. LODGE. Mr. President, I make the point that there is no quorum present.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cummins	McCumber	Richardson
Borah	Curtis	McLean	Root
Bourne	Dillingham	Martin, Va.	Shively
Brandegee	Fletcher	Martine, N. J.	Smith, Ga.
Briggs	Gallinger	Myers	Smith, Mich.
Bristow	Gardner	Nelson	Smith, S. C.
Brown	Gronna	O'Gorman	Stephenson
Burnham	Guggenheim	Oliver	Sutherland
Burton	Hitchcock	Overman	Swanson
Chamberlain	Johnson, Me.	Page	Thornton
Clapp	Jones	Penrose	Tillman
Clark, Wyo.	Lea	Percy	Warren
Clarke, Ark.	Lippitt	Perkins	Wetmore
Crawford	Lodge	Pomerene	Works
Cullom	Lorimer	Rayner	

Mr. LEA. I desire to state that my colleague [Mr. TAYLOR] is necessarily absent from the city.

The VICE PRESIDENT. Fifty-nine Senators have answered to the roll call. A quorum of the Senate is present.

GENERAL ARBITRATION TREATIES.

The Senate resumed the consideration of the treaties of arbitration between Great Britain and France and the United States.

Mr. BACON. Mr. President, it had been my purpose to confine myself in this discussion exclusively to a consideration of the question as to what amendments should be adopted if these treaties are to be put in a shape where they can command the support of those of us who think that in their present shape they are extremely objectionable and obnoxious to the provisions of our Federal Constitution. The wide range, however, of the discussion yesterday afternoon will make it necessary that I should go somewhat more largely into the subject than I otherwise would have done.

We have before us, Mr. President, two treaties in identical terms, although I believe the particular treaty under consideration is that proposed to be made with Great Britain. Naturally, sometimes, I presume, we will refer to them in discussion in the plural and sometimes in the singular, but if so, the reason will be understood.

There are, Mr. President, in fact, very few provisions in these treaties which are at all new. There has been a very active propaganda in the interest of the ratification of the treaties which has naturally by reason of its activity and urgency excited very widespread interest. Yet it is a fact which I think can be very clearly demonstrated that with the exception of the objectionable third clause to the third article there is little or nothing in these treaties which is not already found in existing arbitration treaties. If there is a difference in words between the existing treaties and the proposed treaties, it is true that in the application of the provisions of these treaties by the friends and advocates of the treaties to questions which may arise, there is practically little or no difference between the provisions found therein and the provisions already found in The Hague convention and in the 25 general arbitration treaties which we now have with other nations, 45 nations having been parties to The Hague convention, which is a treaty between these 45 nations making provision for the permanent court of arbitration for the settlement of international differences.

For instance, Mr. President, in the general treaties which are now in force and which were negotiated in 1908 there are found these words:

> *Provided, nevertheless,* That they do not affect the vital interests, the independence, or the honor of the two contracting States.

Those words are left out of the proposed treaties, those now pending before us, and yet when pressed by those of us who think that such matters should not be arbitrated except in cases where the Senate voluntarily consents thereto, the advocates of the treaties say that such questions would not be arbitrated under the proposed treaties. So that with this construction and application by the advocates of the proposed treaties there is in this particular no practical difference between the existing arbitration treaties we now have with 25 nations and the treaties now before us for consideration.

I simply present that by way of illustration. The illustrations could be extended, and they all of them are demonstrable